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Containing Certified Statements of Boards of Supervisors relative to the Erection of New Townships; also, State Treasurer's Annual Report for the year 1868.



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[No. 1.]

AN ACT to legalize the tax roll of Hancock township, in Houghton county, for the year A. D. eighteen hundred and sixty-two, and to extend the time for the collection of the taxes of said township.

SECTION 1. *The People of the State of Michigan enact,* That the tax roll for the year eighteen hundred and sixty-two, for the township of Hancock, in Houghton county, as made out by Thomas H. Lowe, supervisor of said township, be hereby declared valid and legal, and the treasurer of said township is hereby authorized and empowered to collect the taxes on said roll, and make the returns thereof. Tax roll legalized.

Sec. 2. The time for the collection of taxes in said township of Hancock, for the year eighteen hundred and sixty two, is hereby extended to the first Monday in April next, and the treasurer of said township is hereby authorized and empowered to proceed and collect said taxes, and make return, in pursuance of his warrant, on or before the first Monday of April next, and his warrant is hereby continued in full force and virtue until that time. Time for collection extended. Warrant continued in force.

Sec 3. It shall be the duty of the treasurer of said township, before he shall avail himself of the benefit of the extension of time herein conferred, to pay over all moneys collected during the lifetime of his warrant, as now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county. Duty of treasurer. Bond to be renewed.

Sec. 4. This act shall take immediate effect.

Approved January 20, 1863.

[No. 2.]

AN ACT to provide for the payment of the officers and members of the Legislature, for the year eighteen hundred and sixty-three.

Appropriation. SECTION 1. *The People of the State of Michigan enact,* That there be and hereby is appropriated, out of any money in the treasury to the credit of the general fund, a sum not exceeding forty thousand dollars, for the payment of the officers and members of the Legislature, for the present session.

Compensation of members. SEC. 2. The compensation of the President and members of the Senate, and of the Speaker and members of the House of Representatives, shall be three dollars per day each, for actual attendance, and when absent on account of sickness, during the present session of the Legislature, and ten cents for every mile actually traveled, in going to and returning from the place of meeting, on the usually traveled route; and to the members of the Senate and House of Representatives from the Upper Peninsula, two dollars per day each additional, during this session of the Legislature. Each member of the Senate and House of Representatives shall be entitled to receive five dollars for stationery and newspapers.

Officers. The compensation of the Secretary, Engrossing and Enrolling Clerk, and Sergeant-at-Arms of the Senate, and their authorized assistants, and of the Clerk, and Engrossing and Enrolling Clerk, and Sergeant-at-Arms of the House of Representatives, and their authorized assistants, and the Clerks employed with the consent of the Senate or House of Representatives, by any of the standing or special committees of either of said houses, shall be three dollars a day each, for actual attendance during the session: *Provided, however,* That the Clerk of the House, and Secretary of the Senate shall receive ten cents for every mile actually traveled, in going to and returning from the place of meeting. The compensation of the Firemen of the Senate and House of Representatives, and their authorized assistants, shall be two dollars

Firemen. and fifty cents per day, and that of the Messenger boys, one

Messengers.

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dollar and fifty cents per day, for the time actually employed in attendance, during the session.

Sec. 3. Such sums as may be due, under the provisions of this act, to the Secretary of the Senate, and the Clerk of the House of Representatives, shall be certified by the presiding officers of the respective houses, and countersigned by the Auditor General; and such sums as may be due the President of the Senate, and Speaker of the House of Representatives, shall be certified by the Secretary or Clerk of the respective houses, and countersigned by the Auditor General; and such sums as may be due to the members and other officers of either house, shall be certified by the Secretary or Clerk, and countersigned by the presiding officer of the respective houses; and the State Treasurer, upon the presentation of any such certificate, countersigned as provided in this section, is hereby authorized and directed to pay the same.

Certificate of dues, by whom signed.

Payment thereof.

Sec. 4. This act shall take immediate effect.

Approved January 23, 1863.

[No. 3.]

AN ACT to legalize the tax roll of the townships of Ontonagon county, for the year eighteen hundred and sixty-two, and extend the time for the collection of said taxes.

SECTION 1. *The People of the State of Michigan enact*, That the tax rolls of the several townships of the county of Ontonagon, for the year one thousand eight hundred and sixty-two, be and the same are hereby declared to be as valid and legal as if the same had been made out and delivered to the several township treasurers at the time prescribed by law; and the time for the collection of the taxes assessed in the several townships for the said year, be and the same is hereby extended to the last Saturday in March, eighteen hundred and sixty-three; and that the acts of the supervisors of the several townships, in the equalizing the rolls of the several townships, are declared to be valid and legal.

Tax rolls legalized.

Power of
treasurers.

Sec. 2. The treasurers of the several townships are hereby authorized and empowered to proceed and collect said taxes, as fully as they could do if said warrants had been delivered to them within the time prescribed by law, and to make their returns on or before the last Saturday in March, in the year one thousand eight hundred and sixty-three, and said warrants are hereby revived and continued in force until the said last Saturday in March, and it shall be the duty of said treasurers, before they shall be entitled to the benefits of this act, to renew their official bonds to the satisfaction of the treasurer of said county.

Warrants
continued
in force.

Returns of
the treasurer.

Sec. 3. The county treasurer shall have the same length of time to make his returns to the Auditor General, of the delinquent taxes of said townships, after the township treasurers return to him, and the same proceedings shall be had thereon, in all respects, as is now provided by law.

Sec. 4. This act shall take immediate effect.

Approved January 23, 1863.

[No. 4.]

AN ACT to provide for the assessment and collection of taxes in the township of Taymouth, in the county of Saginaw, for the year eighteen hundred and sixty-two.

SECTION 1. *The People of the State of Michigan enact*, That the supervisor of the township of Taymouth, in the county of Saginaw, is hereby authorized and empowered, and it is made his duty, to make a copy of the assessment of the real and personal property of said township, and extend therein correctly all taxes raised in, and apportioned to, said township, for the year eighteen hundred and sixty-two, including all unpaid highway taxes for said year, and to attach his warrant thereto, in due form, commanding the treasurer of said township to collect the taxes therein, in the manner prescribed by law, and make return and payment of such taxes on or before the fifteenth day of March, in the year eighteen hundred and sixty-three, and to deliver said tax roll, with the warrant so

Duty of su-
pervisor.

attached, to the township treasurer, on or before the fifteenth day of February, in the year eighteen hundred and sixty-three.

Sec. 2. It shall be the duty of the township treasurer to file ^{Bond of} a new bond, in due form, and with sufficient sureties, to be ^{treasurer.} approved as required by law, with the county treasurer of Saginaw county, on or before the fifteenth day of February, eighteen hundred and sixty-three, and to receive said tax roll, and collect and account for said taxes, according to the command of said warrant; and the county treasurer shall make returns to the Auditor General during said month of March, of all taxes returned unpaid from said township: *Provided*, That nothing in this act shall be so construed as to oblige any tax payer to pay more than the proper amount of his taxes for the year eighteen hundred and sixty-two.

Sec. 3. This act shall take immediate effect.

Approved January 23, 1863.

[No. 5.]

AN ACT to change the name of the Carolton Salt Manufacturing Company, to the Empire Salt Company.

SECTION 1. *The People of the State of Michigan enact*, That the name of the corporation formed under the act entitled "an ^{Name} act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes," ^{changed.} approved February fifth, eighteen hundred and fifty-three, and the acts supplementary thereto and amendatory thereof, which corporation was formed by filing articles of association, duly signed and acknowledged, by Eber B. Ward, Jay S. Curtis and Nelson W. Clark, as corporators, under the name and style of the Carolton Salt Manufacturing Company, and usually called the Carolton Salt Manufacturing Company, shall be and hereby is changed unto the Empire Salt Company, by which latter name it shall be capable of suing and being sued, and may ^{Rights and} have and exercise all the rights and privileges, and shall be ^{liabilities} of.

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subject to all the liabilities, of other corporations formed under said act.

Rights and
liabilities
of:

Sec. 2. All the rights and liabilities of said corporation may be enjoyed under, and enforced by or against the same, by the name given it by this act.

Sec. 3. This act shall be deemed a public act.

Sec. 4. This act shall take immediate effect.

Approved January 28, 1863.

[No. 6.]

AN ACT to extend the time for the collection of taxes in the township of Green Oak, in the county of Livingston, for the year eighteen hundred and sixty-two.

Time ex-
tended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes, in the township of Green Oak, in the county of Livingston, for the year A. D. eighteen hundred and sixty-two, be and the same is hereby extended until the first day of March, eighteen hundred and sixty-three.

Power of
treasurer.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes, as fully as he could do in the lifetime of his warrant, and to make returns at any time before the first day of March next, and said warrant is hereby revived and continued in full force and virtue, for the purpose aforesaid, until the said first day of March next.

Warrant
continued
in force.

Duty of
treasurer.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county of Livingston.

Renewal of
bond.

Sec. 4. This act shall take immediate effect.

Approved January 28, 1863.

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[No. 7.]

AN ACT to extend the time for the collection of taxes, for the year eighteen hundred and sixty-two, in the township of Oshtemo, in the county of Kalamazoo.

SECTION 1. *The People of the State of Michigan enact,* That the time for the collection of taxes in the township of Oshtemo, in the county of Kalamazoo, for the year eighteen hundred and sixty-two, be and the same is extended until the first Monday in March, eighteen hundred and sixty-three. Time extended.

Sec. 2. The sheriff of said county is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the lifetime of his warrant, and to make returns on or before the first Monday of March next, and the said warrant is hereby revived and continued in full force and virtue for the purposes aforesaid, until the said first Monday of March next. Power of sheriff. Warrant continued in force.

Sec. 3. It shall be the duty of the sheriff of the said county, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county. Duty of sheriff. Renewal of bond.

Sec. 4. This act shall take immediate effect.

Approved January 29, 1863.

[No. 8.]

AN ACT to extend the time for the collection of taxes, for the year eighteen hundred and sixty-two, in the township of Handy, in the county of Livingston.

SECTION 1. *The People of the State of Michigan enact,* That the time for the collection of taxes in the township of Handy, in the county of Livingston, for the year eighteen hundred and sixty-two, be and the same is hereby extended until the first Monday in March, eighteen hundred and sixty-three. Time extended.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes, as fully as he could do, in the lifetime of his warrant, and to make returns Power of treasurer.

Warrant
continued
in force.

on or before the first Monday of March next; and the said warrant is hereby revived and continued in full force and virtue, for the purposes aforesaid, until the said first Monday of March next.

Duty of
treasurer.

Sec. 3. It shall be the duty of the treasurer of the said township, before he shall be entitled^d to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Renewal of
bond.

Sec. 4. This act shall take immediate effect.

Approved January 29, 1863.

[No. 9.]

AN ACT to extend the time for the collection of taxes in the township of Lapeer, in the county of Lapeer, for the year eighteen hundred and sixty-two.

Time ex-
tended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Lapeer, in the county of Lapeer, for the year eighteen hundred and sixty-two, be and the same is hereby extended until the first day of March, eighteen hundred and sixty-three.

Power of
treasurer.

Sec. 2. The treasurer of said township is hereby authorized to collect said taxes, as fully as he might have done during the lifetime of his warrant, and make his return on or before the first day of March aforesaid, and to renew his official bond to the treasurer of the county of Lapeer.

Renewal of
bond.

Duty of
treasurer.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the county treasurer of said county, and to be approved by him, as now required by law.

Unpaid
taxes.

Sec. 4. A transcript of all the unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and

such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year eighteen hundred and sixty-two, duly returned to the Auditor General.

Sec. 5. This act shall take immediate effect.

Approved January 29, 1863.

[No. 10.]

AN ACT to extend the time for the collection of taxes in the township of Greenfield, in the county of Wayne, for the year one thousand eight hundred and sixty-two.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Greenfield, in the county of Wayne, is hereby extended to the third Monday of February next. Time extended.

Sec. 2. The treasurer of the said township of Greenfield is hereby authorized and empowered to proceed and collect the said tax, in the same manner as during the lifetime of his warrant, and to make returns to the county treasurer, on or before the third Monday of February next, and the said warrant is hereby continued in full force, for said purpose, until said time. Power of treasurer. Warrant continued in force.

Sec. 3. It shall be the duty of said treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected by him, as provided by law, and to give to the county treasurer of his county an official bond, as treasurer of said township, conditioned and to be approved by the county treasurer or supervisor, as required by law, and to pay over or otherwise account for the said deferred taxes, at the time limited by this act, as required by law. Duty of treasurer.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes Return of unpaid taxes.

for the year one thousand eight hundred and sixty-two, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 29, 1863.

[No. 11.]

AN ACT to amend section four of an act entitled "an act to provide for the drainage and reclamation of swamp lands in township six north, of range fourteen and fifteen west, and to aid the township of Holland in the improvement of the harbor at the mouth of North Black River, in said township."

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section four of an act entitled "an act to provide for the drainage and reclamation of swamp lands, in township six north, of range fourteen and fifteen west, and to aid the township of Holland in the improvement of the harbor at the mouth of North Black River, in said township," approved February fourteenth, eighteen hundred and fifty-nine, be and the same is hereby altered and amended, so as to read as follows:

When Com'r
of Land Of-
fice may is-
sue certifi-
cate.

Sec. 4. Upon the certificate of the said board, appointed for the improvement of said harbor, stating that the said swamp lands, or such parts of said lands as require drainage, have been drained, and that the person or persons holding said certificate have done work and labor upon said harbor improvement, or in the drainage or reclamation of such lands, to the amount to be stated in said certificate, which shall be verified to the satisfaction of the Commissioner of the State Land Office, it shall be the duty of the said commissioner to issue his certificate of purchase for so much of the swamp lands, (not less than the smallest legal subdivision under the laws of the United States,) as will, at the appraisal hereinbefore provided for, pay the amount due to such person or persons, for such work and labor: *Provided, That* the said lands, or so much as shall be necessary to reclaim them, shall be drained within five years, from and after the expiration of the time limited in said section four; and

Provide.

that the harbor be so far completed as to afford a safe entrance for vessels of eight feet draft of water.

Approved January 29, 1863.

[No. 12.]

AN ACT to extend the time for the collection of taxes, for the year eighteen hundred and sixty-two, in the township of Seneca, in the county of Lenawee.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Seneca, in the county of Lenawee, for the year eighteen hundred and sixty-two, be and the same is extended until the first Monday in March, eighteen hundred and sixty-three. Time extended.

Sec. 2. The treasurer of the said township is hereby authorized and empowered to proceed and collect said taxes, as fully as he could do in the lifetime of his warrant, and to make returns at any time before the first Monday of March next, and the said warrant is hereby revived and continued in full force and virtue, for the purposes aforesaid, until the said first Monday of March next. Power of treasurer. Warrant continued in force.

Sec. 3. It shall be the duty of the treasurer of the said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond, to the satisfaction of the treasurer of said county. Duty of treasurer. Renewal of bond.

Sec. 4. This act shall take immediate effect.

Approved January 29, 1863.

[No. 13.]

AN ACT to extend the time for the collection of taxes in certain townships and wards in the county of Monroe.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the townships of Erie, La Salle, Raisinville, Frenchtown and Ash, and the first, second Time extended.

and third wards in the county of Monroe, for the year eighteen hundred and sixty-two, be and the same is hereby extended until the first Monday in March, eighteen hundred and sixty-three.

Power of
treasurers.

Sec. 2. The treasurers of said townships and wards, are hereby authorized and empowered to proceed and collect said taxes in the same manner as they could do in the lifetime of said warrants, and to make and return the same at any time before the first Monday of March next, and said warrants are hereby extended and continued in full force and effect, for the purposes therein named, until that time.

Warrants
continued
in force.

Duty of
treasurers.

Sec. 3. It shall be the duty of the treasurers of said townships and wards, before they shall avail themselves of the benefits herein conferred, to pay over all moneys collected during the lifetime of their said warrants, as now provided by law, and to renew their official bonds to the satisfaction of the treasurer of said county.

Renewal of
bonds.

Sec. 4. This act shall take immediate effect.

Approved January 29, 1863.

[No. 14.]

AN ACT to legalize certain volunteer family relief orders in the county of Clinton, in this State.

SECTION 1. *The People of the State of Michigan enact, That* whenever any supervisor of any of the townships of Clinton county, in this State, has, in good faith, issued, since the act entitled "an act to amend an act to provide for the relief, by counties, of the families of volunteers, mustered from this State into the military service of the United States, or of this State," approved January seventeenth, eighteen hundred and sixty-two, became a law, any orders for the relief of the families of volunteers, that would be valid and legal if the act entitled "an act to provide for the relief, by counties, of the families of volunteers, mustered from this State into the military service of the United States, or of this State," approved May tenth,

Relief ord's
legalized.

eighteen hundred and sixty-one, were still in full force and effect, the said orders shall be deemed legal and valid, the same as if the provisions of the act first above mentioned had been in all respects complied with, in granting and issuing of said orders.

Sec. 2. This act shall take immediate effect.

Approved January 29, 1863.

[No. 15.]

AN ACT to extend the time for the collection of taxes in the township of Erin, in the county of Macomb, for the year, eighteen hundred and sixty-two.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Erin, in the county of Macomb, is hereby extended to the first Monday of March next. Time extended.

Sec. 2. The treasurer of the township of Erin aforesaid, is hereby authorized and empowered to proceed and collect said taxes in the same manner as during the lifetime of his warrant, and to make returns to the county treasurer on or before the first Monday of March next, and said warrant is continued in full force for said purpose, until said time. Power of treasurer. Warrant continued in force.

Sec. 3. It shall be the duty of said township treasurer, before he shall be entitled to the benefit of this act, to pay over all moneys collected by him, on or before the first Monday of February next, as provided by law, and execute to the county treasurer an official bond, in such sum and with such sureties as said county treasurer may direct and approve, conditioned for the faithful performance of his duties under this act. Duty of treasurer. Renewal of bond.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year Unpaid taxes.

one thousand eight hundred and sixty-two, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved January 29, 1863.

[No. 16.]

AN ACT to legalize the organization of the county of Delta, and confirm proceedings under the same, and to extend the time for the collection of taxes therein.

Election of officers legalized. SECTION 1. *The People of the State of Michigan enact, That* the elections for county and township officers, held in the county of Delta, in the month of September, eighteen hundred and sixty-one, and the organization of said county under and by virtue of the act entitled "an act to organize the county of Delta and define the boundaries of the same," approved March twelfth, eighteen hundred and sixty-one, are hereby declared to be as legal and valid as though such elections had been held in the month of July of that year, and as if the canvass and proceedings thereon had been made and had within or at the time prescribed by said act; and the official acts and proceedings of such county and township officers, and of the board of supervisors of said county, including the assessment of taxes heretofore made, are hereby declared to be as legal and valid as if such elections had been held, and such officers had qualified, within or at the time or times prescribed by the act aforesaid.

Official bonds to be renewed.

Sec. 2. The official bonds of such officers, elected at such elections, as are required by law to file bonds, shall be renewed to the satisfaction of, and be approved by, the person by whom such bonds are required by law to be approved, before such officers shall be authorized to collect or receive any moneys by virtue of their respective offices, other than their own legal fees.

Time for the collection of taxes extended.

Sec. 3. The time for the collection of taxes in said county of Delta, for the year eighteen hundred and sixty-two, is hereby extended to the first Monday in March next, and the treasurers

of the several townships in said county are hereby authorized to proceed and collect said taxes, as fully as they might have done during the lifetime of their warrants for that purpose, and to make their returns on or before the first Monday of March next, and said warrants are continued in full force, for said purpose, until that time. Power of treasurers.

Sec. 4. This act shall not have the effect, nor be construed in any way, to render the sheriff of the county of Mackinac liable for any official acts he may have undertaken or performed, in the assessment or collection of taxes within the county of Delta, for the year eighteen hundred and sixty-two, or which he may perform therein, prior to receiving actual notice of the passage of this act, by delivery to him of a copy of the same, certified by the Secretary of State: *Provided*, That said Sheriff shall, within ten days after such notice, pay over to the treasurer of the county of Delta, all moneys collected by him, for taxes of said year, in said county of Delta, after deducting his legal fees and commissions therefor, and which it is hereby declared to be his duty to do. Sheriff not liable for acts heretofore done.

Sec. 5. The board of supervisors of the county of Delta shall audit and allow to the assessor of the county of Mackinac, the sum of one hundred and twenty-five dollars, for making the assessment in said county, for the year one thousand eight hundred and sixty-two, and shall also audit and allow to the Sheriff of the county of Mackinac his proper expenses for collecting, or attempting to collect, the taxes for said year, in Delta county, prior to receiving the notice of the passage of this act, as provided in the previous section. Board of supervisors to audit certain acc'ts.

Sec. 6. This act shall take immediate effect.

Approved January 29, 1863.

[No. 17.]

AN ACT to provide for the correction and collection of the city tax roll of East Saginaw, for the city taxes of eighteen hundred and sixty-two.

Duty of
Marshal.

SECTION 1. *The People of the State of Michigan enact, That* the marshal of the city of East Saginaw be, and he hereby is authorized and directed, within ten days after the approval of this act, to return the tax roll for the city taxes for the year eighteen hundred and sixty-two to the common council of said city, accompanied with a full report of all taxes that have been paid thereon, stating, specifically, by whom paid, and upon what property, and he shall, within the same time, pay over all moneys in his hands collected on said roll, to the city treasurer.

Notice of
review.

Sec. 2. The common council of said city are hereby authorized, on receipt of said roll, to give two weeks notice, by publication in some newspaper in said city, of the time and place when and where the board of review will meet, in said city, to examine said roll, and to correct the same.

Power of
board of re-
view.

Sec. 3. The board of review of said city shall thereupon meet at the time and place appointed, and they are hereby authorized to correct all errors of description found therein, and all other errors, and if any property therein is imperfectly described, or so as to leave the identity of the property uncertain, they may correct the same so as to make every description certain and complete: *Provided, That* said board shall not be at liberty to change the valuation, nor amount of tax assessed on said roll, in any case, so as to increase the valuation or amount of tax. Said board shall continue in session at least two days, and any person claiming to be interested may be heard before said board concerning any description, assessment, or tax found in said roll. All the acts of the said board shall be duly re-recorded in their records.

Marshal to
collect the
tax.

Sec. 4. When the board of review shall have completed their examination and correction of said roll, they shall deliver the same to the comptroller, who shall thereupon annex a further warrant to said roll, commanding the marshal to collect all the

unpaid taxes on said roll, and to pay the same over, in accordance with the law for the collection of city taxes in ordinary cases, except as herein otherwise provided.

Sec. 5. The time for the collection of said unpaid taxes is hereby extended until the twentieth day of March, eighteen hundred and sixty-three, and the marshal may collect, under said warrant, until that time; but he shall return said roll, and pay over the moneys collected, on or before the twenty-third day of March, eighteen hundred and sixty-three, and all taxes on real estate, returned uncollected, on said roll, shall be enforced against the premises assessed, as provided in the charter of said city, and the laws of this State.

Sec. 6. The said assessment and tax roll of said city, for the city taxes, assessed for the year eighteen hundred and sixty-two, as the same shall be corrected, as herein provided, is hereby legalized and confirmed, and shall have like virtue, force and effect, as if the same had originally been made out, in conformity with the provisions of law.

Sec. 7. This act shall take immediate effect.

Approved February 6, 1863.

[No. 18.]

AN ACT to legalize the tax roll of the township of California, in the county of Branch, for the year eighteen hundred and sixty-two, and to extend the time for the collection of the taxes therein.

SECTION 1. *The People of the State of Michigan enact*, That the tax roll of the township of California, in the county of Branch, for the year eighteen hundred and sixty-two, be and the same is hereby declared to be as valid and legal as if the same had been made out and delivered to the township treasurer at the time prescribed by law; and that the time for the collection of the taxes assessed in said township for the said year, be and the same is hereby extended to the first Monday in March, eighteen hundred and sixty-three.

Power of
treasurer.

Sec. 2. The treasurer of the township of California is hereby authorized and empowered to proceed and collect said taxes, as fully as he could do if said warrant had been delivered to him within the time prescribed by law, and to make his return on or before the first Monday of March, eighteen hundred and sixty-three.

Returns to
Aud. Genl.

Sec. 3. The county treasurer shall have the same length of time to make his returns to the Auditor General, of the delinquent taxes of said township, after the township treasurer returns to him, and the same proceedings shall be had thereon, in all respects, as is now provided by law: *Provided*, That before said township treasurer shall be entitled to the benefit of this act, he shall pay over all moneys collected, as now provided by law, and renew his official bond to the satisfaction and approval of the county treasurer.

Provide.

Sec. 4. This act shall take immediate effect.

Approved February 6, 1863.

[No. 19.]

AN ACT to authorize union school district number nine, of the township of Grass Lake, in the county of Jackson, to issue bonds.

Issue of
bonds au-
thorized.

SECTION 1. *The People of the State of Michigan enact*, That the district board of union school district number nine, of the township of Grass Lake, in the county of Jackson, be and the same is hereby authorized to issue and negotiate the bonds of said district, to the amount of six thousand dollars, for the purpose of building a school house in said district, said bonds to draw interest at the rate of seven per cent. per annum, and to be drawn and issued in accordance with, and under the restriction imposed by, a resolution adopted by said district, at a special meeting thereof, held on the tenth day of January, in the year one thousand eight hundred and sixty-three.

Sec. 2. This act shall take immediate effect.

Approved February 6, 1863.

[No. 20.]

AN ACT to change the name of the First Congregational Society of Saginaw City, to First Presbyterian Society of the city of Saginaw.

SECTION 1. *The People of the State of Michigan enact*, That the corporate name of the First Congregational Society of Saginaw City, be and the same is hereby changed; and that hereafter the corporate name thereof shall be the First Presbyterian Society of the city of Saginaw. ^{Name changed.}

Sec. 2. All dues, demands, contracts and liabilities, of the First Congregational Society of Saginaw City, shall be and remain in force against the First Presbyterian Society of the city of Saginaw, in like manner as when originally incurred by the said society, under another name and designation. ^{Liabilities of society.}

Sec. 3. The annual meeting of the said First Presbyterian Society of the city of Saginaw, for the election of trustees of said society, shall be held on the first Monday of May next, and thereafter on the same day of each year, during the corporate existence of said society. ^{Annual meeting.}

Sec. 4. This act shall take immediate effect.

Approved February 6, 1863.

[No. 21.]

AN ACT to extend the time for the collection of taxes for the year eighteen hundred and sixty-two, in the township of Summerfield, in the county of Monroe.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Summerfield, in the county of Monroe, for the year eighteen hundred and sixty-two, be and the same is extended until the first Monday in March, eighteen hundred and sixty-three. ^{Time extended.}

Sec. 2. The treasurer of the said township is hereby authorized and empowered to proceed and collect said taxes, as fully as he could do in the lifetime of his warrant, and to make returns at any time before the first Monday of March next, and his said ^{Power of treasurer.}

warrant is hereby revived and continued in full force and virtue, for the purposes aforesaid, until the said first Monday of March next.

Duties of treasurer.

Sec. 3. It shall be the duty of the treasurer of the said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Renewal of bond.

Sec. 4. This act shall take immediate effect.

Approved February 6, 1863.

[No. 22.]

AN ACT to prevent and punish the counterfeiting and fraudulent use of trade marks, labels, stamps, &c.

SECTION 1. *The People of the State of Michigan enact, That* every person who shall knowingly and willfully forge or counterfeit, or cause or procure to be forged or counterfeited, any representation, likeness, similitude, copy or imitation, of the private stamp, brand, wrapper or label, usually affixed by any mechanic, druggist, apothecary, or manufacturer to, and used by such mechanic, druggist, apothecary, or manufacturer on, or in the sale of any goods, wares or merchandise, and with intent to deceive or defraud the purchaser or manufacturer of any goods, wares or merchandise whatsoever, upon conviction thereof, shall be punished by imprisonment in the county jail for a term not exceeding six months, or by fine not exceeding one thousand dollars, or both, in the discretion of the court.

Penalty for having in possession any die, etc.

Sec. 2. Every person who shall have in his possession any die, plate, engraving, or printed label, brand, stamp, wrapper, or any representation, likeness, similitude, copy or imitation of the private stamp, wrapper or label, usually affixed by any mechanic or manufacturer, druggist or apothecary to, and used by such mechanic, druggist, apothecary or manufacturer on, or in the sale of any goods, wares or merchandise, with intent to use or sell the said die, plate, engraving, or printed stamp,

label or wrapper, for the purpose of aiding or assisting in any way whatever, in vending any goods, wares or merchandise, in imitation of, or intended to resemble and be sold for the goods, wares and merchandise of such mechanic, druggist, apothecary, or manufacturer, contrary to the provisions of this act, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and be punished by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars, or both, in the discretion of the court.

Sec. 3. Any person who shall vend any goods, wares or merchandise, having thereon any forged or counterfeited stamps, labels or brands, imitating, resembling or purporting to be the stamps or labels of any mechanic, manufacturer, druggist or apothecary, knowing the same to be forged or counterfeited, and resembling, or purporting to be imitations of the stamps, labels or marks, of such manufacturer or mechanic, with intent to defraud, shall, upon conviction, be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars, or both, in the discretion of the court.

Penalty for vending goods having forged stamps, etc. thereon.

Sec. 4. Any person who, from any box, phial, case, package, or other form of enclosure, having thereon impressed, or in any manner attached, the printed label, brand, engraving, stamp, mark or other device, of any mechanic or manufacturer, druggist or apothecary, shall sell, barter or trade therefrom, or therein, any other goods, wares or merchandise than such as are the genuine production of the manufacturer or mechanic, druggist or apothecary, whose label, mark, stamp or device, may be imprinted upon or affixed to such box, or other form of enclosure, with intent to deceive such purchaser, shall be deemed guilty of a misdemeanor, and upon conviction thereof be punished by a fine not exceeding two hundred and fifty dollars, or by imprisonment in the county jail not more than three months, or both, in the discretion of the court.

Penalty for selling other than genuine goods, etc., under genuine stamp.

Approved February 6, 1863.

[No. 23.]

AN ACT to legalize the tax rolls of the several townships in the county of Marquette, and the territory thereto attached, for the year one thousand eight hundred and sixty-two, and to extend the time and authorize the collection of the same in the county of Bleeker.

Tax rolls legalized. SECTION 1. *The People of the State of Michigan enact*, That the tax rolls for the several townships in the county of Marquette, and territory thereto attached, for the year one thousand eight hundred and sixty-two, be and the same are declared to be as valid and legal as they would have been had they been assessed and equalized at the time appointed by law.

Time for collection extended. Sec. 2. That the time for the collection and return of taxes for the county of Bleeker be and the same is hereby extended until the third Monday in June next.

Duty of sheriff. Sec. 3. It shall be the duty of the sheriff, or other collecting officer, of Marquette county, to give bond, and proceed to the collection of the taxes in said Bleeker county, and make return thereof, on or before the third Monday in June next, according to law made and provided for the collection and return of taxes.

Returns of unpaid taxes. Sec. 4. The county treasurer of Marquette county shall make return of the delinquent taxes for said county of Bleeker, to the Auditor General, on or before the first Monday of July next, and the taxes so returned shall be subject to the existing provisions of law relating to interest and charges.

Sec. 5. This act shall take immediate effect.

Approved February 13, 1863.

[No. 24.]

AN ACT to allow the LaFayette Benevolent Society, of the city of Detroit, to alter and amend its articles of association.

Amendment of articles authorized. SECTION 1. *The People of the State of Michigan enact*, That the LaFayette Benevolent Society, of the city of Detroit, shall have power to alter and amend its articles of association, so that the affairs of the said society shall be hereafter managed by its

regular officers, who shall be the trustees, and who shall be chosen by the members of the said society, and who shall hold office for the term of one year, and until their successors are chosen, and have been duly installed. The by-laws of the said ^{By-laws.} society shall be proposed by the said trustees, and adopted by the society. A majority of the trustees of said society shall be a quorum to transact business. All of such trustees shall be ^{Trustees.} citizens of the United States, and residents of the State of Michigan.

Sec. 2. In all other matters the said society shall be governed ^{Govern-} by, and subject to, the provisions of an act entitled "an act for ^{ment of so-} the incorporation of charitable societies," approved February ^{cietly.} sixth, eighteen hundred and fifty-five: *Provided, however, That* ^{Amended} the said society shall file and record one copy of the articles of ^{articles;} association, when amended as contemplated and provided for ^{where filed.} in section one of this act, in the office of the Secretary of State, and also a certified copy thereof in the clerk's office of the county of Wayne.

Sec. 3. This act shall take immediate effect.

Approved February 13, 1863.

[No. 25.]

AN ACT to amend section three of an act entitled "an act to incorporate the Cass River Navigation Company," approved April second, eighteen hundred and fifty.

SECTION 1. *The People of the State of Michigan enact, That* section three of said act be so amended as to read as follows:

Sec. 3. That Townsend North, Joseph Colman, James L. ^{Directors.} Ketchum, John H. Richardson, Thomas Foster, William H. Harrison, shall be the directors of said company, and are authorized to elect one of their number president, and to conduct all the operations of said company, until the first Monday in January next, eighteen hundred and sixty-four, on which day a meeting of the stockholders of said company shall be called by the president thereof, at such place as the directors shall

Election of directors. designate; and at such meeting, five directors shall be chosen by the stockholders, in such manner as shall be prescribed by the by-laws and regulations of said company.

Approved February 13, 1863.

[No. 26.]

AN ACT to extend the time for the collection of taxes in the townships of Redford and Springwells, in the county of Wayne, for the year one thousand eight hundred and sixty-two.

Time extended. **SECTION 1.** *The People of the State of Michigan enact,* That the time for the collection of taxes in the townships of Redford and Springwells, in the county of Wayne, is hereby extended to the first Monday of March next.

Power of treasurers. **Sec. 2.** The treasurers of the townships of Redford and Springwells aforesaid, are hereby authorized and empowered to proceed and collect said taxes in the same manner as during the lifetime of their warrants, and to make returns to the county treasurer on or before the first Monday of March next; and the said warrants are hereby continued in full force for said purpose, until said time.

Warrants continued in force. **Sec. 3.** It shall be the duty of the said treasurers of the said townships, before they shall be entitled to the benefit of this act, to pay over all moneys collected by them in their respective townships, as provided by law, and to give to the county treasurer of the county an official bond, as treasurers of such townships, conditioned, and to be approved by said county treasurer, as required by law, to pay over or otherwise account for said deferred taxes at the time limited by this act, or required by law.

Duty of treasurer. **Sec. 4.** A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the

Renewal of bond.

Return of unpaid taxes.

year one thousand eight hundred and sixty-two, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved February 13, 1863.

[No. 27.]

AN ACT to legalize the tax roll of Huron township, in Huron county, for the year eighteen hundred and sixty-two, and to extend the time for the collection of the taxes of said township.

SECTION 1. *The People of the State of Michigan enact*, That the tax roll for the year eighteen hundred and sixty-two, for the township of Huron, in Huron county, as made out by the supervisor of said township, be hereby declared valid and legal as to any defect in said roll by reason of the board of supervisors of said county apportioning, and the county clerk certifying, to a per centage on the property of said township for State and county taxes, rather than the specific amount of the tax to be raised in such township; and also as to any informality by reason of said roll not having been made out and delivered to the township treasurer within the time provided by law, and the treasurer of said township is hereby authorized and empowered to collect the taxes on said roll and make returns thereof.

Sec. 2. The time for the collection of taxes in said township of Huron, for the year eighteen hundred and sixty-two, is hereby extended to the first Monday in April next, and the treasurer of said township is hereby authorized and empowered to proceed and collect said taxes, and make return in pursuance of his warrant, on or before the first Monday of April next, and his warrant is hereby continued in full force and virtue until that time.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall avail himself of the benefits of the extension of time herein conferred, to pay over all moneys collected during

Official
bond to be
renewed.

the lifetime of his warrant, as now provided by law, and to renew his official bond, to the satisfaction of the treasurer of said county.

Sec. 4. This act shall take immediate effect.

Approved February 13, 1863.

[No. 28.]

AN ACT to extend the time for the collection of taxes in the city of Detroit.

Time ex-
tended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the several wards in the city of Detroit, for the year eighteen hundred and sixty-two, is hereby extended until the first day of March next.

Authority
of collectors

Sec. 2. The collectors of the several wards of the said city are hereby authorized to proceed and collect said taxes, as fully as they might have done during the lifetime of their warrants for that purpose, and make their returns on or before the first day of March next, and said warrants are continued in full force, for that purpose, until said time.

Warrants
continued
in force.

Duty of col-
lectors.

Sec. 3. The several collectors aforesaid, before they shall be entitled to the benefits of this act, shall pay over all moneys collected during the lifetime of their warrants, as now provided by law, and shall renew their official bonds, to be approved by the treasurer of said county.

Renewal of
bonds.

Sec. 4. This act shall take immediate effect.

Approved February 13, 1863.

[No. 29.]

AN ACT to extend the time for the collection of taxes in the township of Grosse Point, in the county of Wayne.

Time ex-
tended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Grosse Point, in the county of Wayne, for the year eighteen hundred and

sixty-two, be and the same is hereby extended to the second Monday of March, eighteen hundred and sixty-three.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes, as fully as he could do in the lifetime of his warrant, and to make his return at any time on or before the second Monday of March next, and said warrant is hereby revived and continued in full force and virtue, for the purpose aforesaid, until the second Monday of March next.

Power of treasurer.

Warrant continued in force.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and renew his official bond to the satisfaction of the treasurer of said county of Wayne.

Duty of treasurer.

Renewal of bond.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-two, duly returned to the Auditor General.

Return of unpaid taxes.

Sec. 5. This act shall take immediate effect.

Approved February 13, 1863.

[No. 30.]

AN ACT to amend section two, of chapter forty, of the revised statutes of 1846, being section 1433 of the compiled laws, in relation to the election of superintendents of the poor.

SECTION 1. *The People of the State of Michigan enact, That* section two, of chapter forty, be and the same is hereby amended, so as to read as follows:

It shall be the duty of the board of supervisors of each county, at their annual meeting in the year eighteen hundred and sixty-three, to appoint three discreet electors of such county to be superintendents of the poor within the same: one for the

Appointment of superintend-ent.

Term of
office.

term of one year, one for the term of two years, and one for the term of three years; each to hold his office until another shall be appointed in his place, and duly qualified; and at their annual session in each year thereafter, they shall appoint one for the term of three years, and until his successor is chosen

Oath of of-
fice.

and qualified; and such superintendents shall take the oath of office prescribed in the eighteenth article of the constitution, and file the same with the county clerk.

Approved February 13, 1863.

[No. 31.]

AN ACT for the relief of sick, disabled and needy soldiers.

Soldiers re-
lief fund.

SECTION 1. *The People of the State of Michigan enact, That* the sum of twenty thousand dollars of the fund created by an act of the Legislature of this State, entitled "an act authorizing a war loan," approved May tenth, eighteen hundred and sixty-one, be and the same is hereby set apart for, and appropriated as a special fund, to be known as the soldiers' relief fund.

Governor
authorized
to loan or
donate said
fund.

Sec. 2. The Governor is hereby authorized to loan, or donate, in his discretion, the whole or any part of the moneys belonging to said fund, to such sick, disabled and needy soldiers as have, or shall have been mustered into the service of the United States, from the State of Michigan, for the purpose of effecting their recovery, or return home.

Appoint-
ment of
agents au-
thorized.
Duty of.

Sec. 3. To better effect the objects of this act, the Governor is hereby authorized to employ, at the rate of compensation hereinafter named, one or more agents, whose duty shall be to visit the hospitals of the country, and other places where the class of soldiers above described may be found, to look after their welfare, and loan or donate the moneys of said fund, or any portion thereof, in the manner, and for the purposes afore-

Provide:

said: *Provided, however, That if any person or persons, approved by the Governor, shall consent to perform duties*

appertaining to said agents, without cost to the State, other than for their actual and necessary traveling expenses when thus engaged, the Governor may, on such conditions, appoint as many of the same for that purpose as he shall see fit.

Sec. 4. Each and all of the agents appointed under this act shall, in each and all of his or their official doings, be subject to the control and instructions of the Governor; and the Governor may, in his discretion, discharge any agent appointed in pursuance of this act, and appoint another in his stead.

Agents subject to control of the Governor.

Sec. 5. It shall be the duty of the Auditor General, on application to him by the Governor, to draw his warrant, from time to time, on the State Treasurer, payable to the order of the Governor, out of said fund, for such sum as the Governor shall specify, the same to be used as herein prescribed.

Aud. Gen'l to draw his warrant on Treasurer.

Sec. 6. The compensation for each agent appointed under this act, except such as shall be appointed by virtue of the proviso contained in the fourth section hereof, shall be such as the Governor shall fix and determine, not exceeding, in any case, the sum of two dollars per day of actual service, and his actual and necessary expenses.

Compensation of agents.

Sec. 7. Each agent appointed under this act, who shall qualify and enter upon his duties, shall, monthly, and so often as the Governor shall require, make to the Governor a full report of his doings, including an itemized statement of his expenses and disbursements, and the same shall be verified and sworn to by him, to the satisfaction of the Governor; and all such accounts the Governor is authorized to adjust and settle.

Agents to report to the Governor.

Sec. 8. It shall be the duty of the Governor to make and file with the Auditor General, on or before the first day of December of each year, a statement of his receipts and advances, under the provisions of this act, including appropriate vouchers and evidences of debt to the State, for moneys loaned or donated as aforesaid.

Annual report of the Governor.

Sec. 9. For any expenses which the Governor shall incur personally, in carrying into effect the purposes of this act, he may present a claim against the State to the Board of State Auditors,

Expenses of Governor.

certified by him officially; and said Board is authorized to audit and allow the same, at a just amount, and order it paid out of said fund, in manner provided by law.

Official oath
of agents.

Sec. 10. Each agent appointed under this act, shall, before entering on the duties of his office, take and subscribe the oath required of State officers, and file the same in the office of the Secretary of State; and if any such agent shall embezzle, fraudulently use or appropriate, any part of said fund, he shall be deemed guilty of felony, and shall be liable to a fine in three times the amount thus embezzled, fraudulently used or appropriated, or to imprisonment in the State Prison for a term of not more than five years; or he shall be liable both to such fine and imprisonment, in the discretion of the court; and all such fines, when collected, shall be paid to the State Treasurer, and by him placed to the credit of said fund.

Penalty for
embezzle-
ment, etc.,
by agent.

Sec. 11. This act shall take immediate effect.

Approved February 18, 1863.

[No. 32.]

AN ACT to amend sections eighteen and nineteen, of an act entitled "an act to define the powers and duties of the board of supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers," approved April eighth, eighteen hundred and fifty-one, said sections being sections three hundred and fifty-two and three hundred and fifty-three of the compiled laws.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections eighteen and nineteen, of an act entitled "an act to define the powers and duties of the board of supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers," approved April eighth, eighteen hundred and fifty-one, being sections three hundred and fifty-two and three hundred and fifty-three of the compiled laws, be and the same are hereby amended so as to read as follows, to wit:

Sec. 18. Whenever such board shall have designated the

place of such proposed removal, as provided in the next preceding section, they shall provide for submitting such proposition, at the time of holding the next annual township meeting, to the vote of the electors of such county, and they shall thereupon cause notice thereof to be posted up in three public places in each township, and in each ward of any city in the said county, at least thirty days previous to the time fixed for the submission aforesaid, and shall cause the same to be published in one newspaper printed in the county, if any, and if none there, in a paper published nearest to said county, for at least three successive weeks previous to the time of such submission and vote, setting forth that the place to which such proposed removal is to be made, naming the place which has been designated by two-thirds of such board of supervisors, and stating the day when such proposed removal will be submitted to the electors of said county, in the several townships and cities, or wards of such county.

Propositions submitted to the people.

Notice thereof.

Publication of.

Sec. 19. At the time specified in such notice, a vote of the electors of such county shall be taken in each of the townships, wards, cities, or election districts in such county. The inspectors receiving the votes shall, in townships, be the same as required at township meetings, and in cities or wards, the same as required at city or ward elections, respectively, and the votes shall be canvassed by the same officers, and in the same manner, as required at such township meetings, city or ward elections, respectively, and the result of such vote, and statement thereof, shall be made and certified by them, and transmitted to the county clerk of such county, within ten days after such vote shall be taken: *Provided*, That if such statement and result shall not be made, certified or returned, as above provided, the board of supervisors may, at their first meeting after such vote shall have been taken, send for the same, and require the same to be certified and made, the same as the board of canvassers at general elections; and the board of supervisors, for the purpose of ascertaining the result of such vote in such county, shall examine such statements and

Manner of voting on propositions.

Canvass of votes.

Provided.

Provisions
for removal.

Voting to
be by ballot

Special elec-
tions.

Notice of.

certificates, and canvass the votes therein certified, and shall determine and declare the result of the vote in the county, and such result shall be entered upon their records; and in case the result shall be in favor of the proposed removal, they shall provide for such removal, together with all the records and papers of such county, within one year after such result shall be ascertained and determined, as aforesaid, by them, and shall remove the same as soon as suitable buildings shall have been provided for the reception thereof, and they shall enter upon their records the time when such removal shall be deemed to have taken place, and from and after that time the place so designated shall be and continue the county seat of said county for all purposes whatsoever. All voting, as provided in this section, in the several townships, cities or wards, shall be by ballot, and the inspectors of election shall provide a separate box for the reception thereof, in each township and ward, and such vote shall be canvassed by said inspectors the same as other votes. Those voting in favor of such proposed removal shall have written or printed on their ballots, "for the removal of the county seat." Those voting against such proposed removal shall have written or printed upon their ballots, "against the removal of the county seat." In cities or wards where an election would not otherwise be held on the day specified in the notices above provided for, a special election shall be held on the day so specified, for the purpose of submitting such question of removal to the electors thereof, in the same manner as at charter or ward elections, and the clerk of the inspectors of election of such cities or wards shall give the like notice of such election as is by law required for special elections.

Approved February 18, 1863.

[No. 33.]

AN ACT to further amend the act entitled "an act to provide for the construction of train railways," approved February thirteenth, one thousand eight hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact*, That the act entitled "an act to provide for the construction of train rail-ways," approved February thirteenth, eighteen hundred and fifty-five, be further amended by adding three new sections thereto, to be numbered thirty-five, thirty-six and thirty-seven: Sections ad-
ded.

Sec. 35. It shall be lawful for any corporation or association organized under the act hereby amended, for the purpose of building and operating street railways, to borrow money for the purpose of constructing and operating the road or roads proposed to be constructed by them, and for that purpose to mortgage, or create any other lien upon their franchise, road, superstructure fixtures, rolling stock and equipments; and whenever such corporation or association shall have acquired a simple easement or right of way for its proposed road, or any part thereof, and shall have made and filed its articles of association in conformity to the provisions of the act hereby amended, any mortgage or mortgages executed by such corporation or association, upon the route or routes where such easement or right of way has been obtained, as aforesaid, shall be a legal and valid lien upon the right of way so obtained, to the entire extent of the interest of such corporation or association therein, and upon the superstructure and fixtures upon such route or routes, whether the same shall be built before or after, or partly before and partly after such mortgaging, and any such mortgage shall be deemed to be a mortgage upon real estate. Corporati'ns
may borrow
money.

May execu
mortgage
therefor.

Sec. 36. It shall be lawful for any corporation or association organized for the purposes mentioned in the last section, to extend, from time to time, their routes and lines of road and track, and also to build entire new routes and lines of road and track: *Provided, however*, Such corporation or association shall first acquire the right of way or casement for such extension or new Corporati'ns
authorized
to extend
their route.

Provided.

Certificate
of intention
to be filed
with Sec'y
of State.

Contents
thereof.

Authorized
to use pub-
lic high-
ways.

Provided.

routes, in conformity to the provisions of this act: *And provided also*, That before the same shall be built, such corporation or association shall cause to be filed, with the Secretary of State, a certificate of the intention of such corporation or association to build such extension or new routes, which certificate shall contain a definite description of the road or roads proposed to be built, and the amount of stock and number of shares which will, in consequence thereof, be added to the capital stock of such corporation or association, and which certificate shall be signed and verified by a majority of the directors of such corporation or association, and when so made and filed shall be deemed a part of the articles of association of such corporation, and capable of being proved in the same manner, and with like effect, as the original articles of association.

Sec. 37. Whenever any such corporation or association, as herein provided, shall desire to build or extend their track and road along any of the public highways of this State, not included within the limits of any city or incorporated village, such corporation or association shall have the exclusive right to so build and extend, provided such corporation or association shall first obtain the written consent to such building and extension of the supervisor, and a majority of the commissioners of highways of the town or towns in which such highways are located, respectively, and which said consent may contain such regulations in reference to the construction, location and operation of the portion of said road in such town or towns as may be agreed upon between the corporation and said officers respectively, which are hereby made valid and effectual, and such consent or consents shall be filed in the office of the township clerk of the town or towns respectively: *Provided*, No regulation made, as aforesaid, shall prevent or obstruct the free use of such highway by the traveling public.

Sec. 2. This act shall take immediate effect.

Approved February 18, 1863.

[No. 34.]

AN ACT to legalize the apportionment of State and county taxes for the year eighteen hundred and sixty-two, in the county of Huron, and to extend the time for collecting the same.

SECTION 1. *The People of the State of Michigan enact*, That the apportionment of State and county taxes, to the several townships in the county of Huron, for the year eighteen hundred and sixty-two, by the board of supervisors of said county, at a certain per centage on the equalized valuation of the county, and that the State and county taxes placed on the several assessment rolls of Huron county, at the rate of per centage fixed by the board of supervisors at their annual meeting in the year eighteen hundred and sixty-two, and certified to by the county clerk of said county, on the several assessment rolls of said county, are hereby declared valid, and as legal as they would have been if apportioned according to law. Tax legalized.

Sec. 2. The time for the collection of taxes in said county of Huron, for the year eighteen hundred and sixty-two, is hereby extended to the third Monday in March next; and the treasurers of the several townships in said county are hereby authorized and empowered to proceed and collect said taxes, and make returns in pursuance of their several warrants, on or before the third Monday in March next, and their several warrants are hereby continued in full force and virtue until that time. Time for collection extended.

Sec. 3. The several assessment rolls in the county of Huron are hereby declared valid and legal, as to any informality caused by the time in which said rolls were made out and handed over to the several township treasurers of said county. Assessment rolls legalized.

Sec. 4. It shall be the duty of the several township treasurers in the county of Huron, before they shall avail themselves of the benefits in this act conferred, to pay over all moneys collected during the lifetime of their several warrants, and Duty of treasurers.

Renewal of bonds. to renew their official bonds to the satisfaction of the treasurer of said county of Huron.

Sec. 5. This act shall take immediate effect.

Approved February 25, 1863.

[No. 35.]

AN ACT to authorize the common council of the city of Lansing to levy taxes for city purposes, for the year eighteen hundred and sixty-two, and to extend the time for the collection of taxes in said city.

Tax authorized. SECTION 1. *The People of the State of Michigan enact, That* the common council of the city of Lansing are hereby authorized, and it shall be their duty, within ten days after the approval of this act, to determine, by resolution, the amount necessary to be raised by tax for city purposes, within said city, for the year eighteen hundred and sixty-two, and apportion the same among the several wards of said city, according to the valuation of the property appearing upon the assessment rolls of said several wards for such year, as equalized by the board of supervisors for said year, which apportionment shall be entered at large, by the city clerk, upon the records kept by him of the doings of the common council; and it is hereby made the duty of each of the aldermen of said city, acting as supervisors of the several wards of said city, to procure the tax roll of his ward from the city treasurer, (who is hereby authorized and required to deliver the same to such aldermen,) and levy the sum so apportioned to his respective ward, and such other taxes as may be required by law, upon the taxable property of such ward, in the same manner as township taxes are required by law to be levied by the supervisors of townships of this State.

Apportionment of.

Duty of aldermen.

Tax rolls to be delivered to treasurer. Sec. 2. The tax rolls of the several wards of said city, containing the taxes hereby authorized to be levied and apportioned, shall be delivered by the said aldermen, acting as supervisors, to the treasurer of said city, within ten days after the

common council shall so determine the amount of taxes and apportion the same; and the city treasurer of said city is hereby authorized and empowered to proceed and collect the taxes upon said tax rolls, and make his return on or before the first day of May next; and the warrants attached to said tax rolls are hereby continued, and declared to be in full force and virtue, until said first day of May next.

Power of treasurer.

Warrants continued in force.

Sec. 3. The time for the collection of the State, county and school taxes, already entered upon said tax rolls, is hereby extended to the said first day of May next.

Time for collection of tax extended.

Sec. 4. The treasurer of said city shall, before proceeding to collect said taxes, give bond to said city, and to the county treasurer of the county of Ingham, according to the provisions of law.

Treasurer to give bond.

Sec. 5. This act shall take immediate effect.

Approved February 25, 1863.

[No. 36.]

AN ACT to legalize the action of the electors of the townships of Van Buren, Romulus, Huron and Sumpter, in the county of Wayne, and to provide for issuing the orders of said townships to pay such amount of volunteer bounty as was authorized by such electors, at special township meetings held therein in the month of December, A. D. eighteen hundred and sixty-two.

SECTION 1. *The People of the State of Michigan enact*, That the several township boards of the townships of Van Buren, Romulus, Huron and Sumpter, in the county of Wayne, be and they are hereby authorized to issue the orders of such townships, respectively, in sums not exceeding fifty dollars each, payable within one year from the passage of this act, with interest not exceeding seven per cent., to the amount of any sums authorized to be raised as a volunteer bounty by the electors of such townships respectively, at the special township meetings held in such townships in the month of December, one thousand eight hundred and sixty-two: *Provided*, That such orders shall not be

Issue of orders authorized.

Interest.

Proviso.

issued in any of said townships unless such special township meetings were duly called and held pursuant to the statute in such case made and provided.

Sum voted,
a legal tax.

Sec. 2. That where any such special meeting of the electors of the townships aforesaid shall have been held pursuant to law and legal notice, and the majority of the said electors shall have voted any sum or sums of money to be raised or levied on the property of said township, for volunteer bounties, the same shall be, in all respects, deemed legal, and shall be levied and collected in the same manner as the tax raised for general township expenses.

Sec. 3. This act shall take immediate effect.

Approved February 25, 1863.

[No. 37.]

AN ACT to amend section one of an act entitled "an act granting swamp land to the county of Genesee, to aid in cutting drains through a certain swamp in said county."

Act amend
ed.

SECTION 1. *The People of the State of Michigan enact*, That act number one hundred and sixty-eight, of the session laws of eighteen hundred and sixty-one, approved March fifteenth, eighteen hundred and sixty-one, being an act entitled "an act granting swamp land to the county of Genesee, to aid in cutting drains through a certain swamp in said county," be amended so as to read as follows:

Appropriation for
drainage.

Sec. 1. *The People of the State of Michigan enact*, That for the purpose of cutting a ditch or drain through a certain swamp in the north part of the township of Gaines, in the county of Genesee, there shall be and is hereby appropriated to said county, to be selected and expended under the authority of the board of supervisors thereof, two thousand acres of swamp land, the patent therefor to be issued to the county, or to the person designated by the chairman and clerk of the said board of supervisors, only on the satisfactory completion of the work, certified to by the county clerk and chairman of said board

Patent to
issue to
county.

under oath: *Provided*, That said ditch or drain shall be made ^{Provide.} through the entire length of said swamp, and shall not be less than three feet in depth, and eleven feet four inches in width at the top, and four feet at the bottom.

Sec. 2. This act shall take immediate effect.

Approved February 25, 1863.

[No. 38.]

AN ACT changing the name of the village of Fred, in the county of Montcalm, to that of Stanton.

SECTION 1. *The People of the State of Michigan enact*, That the name of the village of Fred, the county seat of Montcalm ^{Name changed.} county, be and the same is hereby changed to that of Stanton.

Approved February 25, 1863.

[No. 39.]

AN ACT to amend an act entitled "an act to revise and amend the charter of the city of Saginaw," approved February fifth, eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "an act to revise and amend the charter of the city of Saginaw," approved February fifth, eighteen hundred and ^{Sections amended.} fifty-nine, be amended so that sections one, three, five, nine, eleven, thirteen, sixteen, thirty, thirty-five, thirty-eight, fifty-one, fifty-two, fifty-three, fifty-four and eighty-three, shall read as follows:

Sec. 1. *The People of the State of Michigan enact*, That so much of the township of Saginaw, in the county of Saginaw, ^{Boundaries defined.} as is included in the following limits, to-wit: beginning at the centre of Saginaw river, on the quarter line of section twenty-four, in township twelve north, of range four east, thence west, along the quarter line, to the centre of said section, thence north and north-easterly, along the west line of the plat of the village of Florence, to the quarter line of section thirteen, in

said township, thence west, along the quarter line of sections thirteen, fourteen and fifteen, to the west line of section fifteen, in said township, thence south, along the section line, to the centre of the Tittabawassee river, thence down and along the centre of the Tittabawassee river to the centre of the Saginaw river, thence down and along the centre of the Saginaw river, to the place of beginning, be and the same is hereby set off from said township, and declared to be a city, by the name of the city of Saginaw.

Wards: Sec. 3. The said city shall be divided into three wards. The
First. first ward shall embrace all that portion of the city lying north and east of the following line: commencing at the centre of the Saginaw river, upon the line of the centre of Jefferson street, thence north-westerly, along the centre of Jefferson street, to the quarter line of section twenty-three, in said city, thence north, to the centre of said section, thence west, to the west line of said section, thence north, along the section line, to the
Second. northern boundary line of the city. The second ward shall embrace all that portion of the city lying between the line aforesaid, and the following line: commencing at the centre of the Saginaw river, upon the line of the centre of Cass street, thence north-westerly, along the centre of Cass street, to the south line of sections twenty-two and twenty-three, thence
Third. west, to the western boundary line of said city. The third ward shall embrace all that portion of the city lying south of the line last described.

Officers to be elected. Sec. 5. The following officers shall be chosen in and for said city, to-wit: one mayor, one recorder, who shall be ex-officio school inspector, one treasurer, who shall be ex-officio collector, two school inspectors, two directors of the poor, and four justices of the peace, who shall be elected as follows, to-wit: the mayor and treasurer shall be elected annually, and shall hold their offices for one year, and until their successors shall be elected and qualified. At the first annual election after the passage of this act, and at the annual election every two years
Terms of office. thereafter, there shall be elected one recorder, who shall hold
Recorder.

his office for the term of two years, and until his successor shall be elected and qualified; there shall also be elected annually, one school inspector and one director of the poor, for the term of two years, and until their successors shall be elected and qualified; there shall also be elected annually, one justice of the peace, who shall hold his office for the term of four years, and until his successor shall be elected and qualified, and who shall have like powers, and be subject to the same duties and liabilities, as justices of the peace in the several townships of the State.

School inspector.
Director of the poor.

Justice of the peace.

Sec. 9. The common council shall have power to appoint an attorney, marshal and street commissioner for the city, a chief engineer for the fire department, and such other officers, whose election is not herein specifically provided for, as they may deem necessary, to carry into effect the powers granted by this act, and to remove the same at pleasure; they shall also have power to remove the treasurer for any violation of the ordinances of the common council; and in case of death, resignation or removal from office, or neglect to qualify, or removal from the city or ward for which he has been elected, of any officer of the corporation, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of the year; and all officers so appointed shall be notified and qualified, as herein directed: *Provided*, That the common council may, at any time, order a special election to fill a vacancy in any office which is elective under this act.

Common council to appoint certain officers.

Removal thereof.

Special elections.

Sec. 11. The common council shall have authority to assess, levy and collect taxes on all real and personal estate, taxable in said city, which taxes shall be and remain a lien upon the property so assessed, until the same shall be paid: *Provided*, That they shall not raise, by general tax, more than fifteen hundred dollars in any one year, exclusive of school taxes and taxes for highway purposes, and such sums as may be necessary to pay any bonds of the city, or interest thereon, as the same shall mature and become payable, unless authorized

Power to assess and collect taxes.
Taxes a lien.

Taxes limited except by vote of tax payers.

thereto by a vote of the property tax payers of said city who are electors, when convened for that purpose, pursuant to previous notice.

Tax of over
\$1,500, how
raised.

Notice.

Electors to
determine
amount.

Tax limited.

Proviso.

Sec. 13. Whenever the common council shall deem it necessary to raise a greater sum, in any one year, than fifteen hundred dollars, exclusive of taxes for school and highway purposes, and sums due on city bonds, they shall give at least five days notice in writing, to be posted in five public places in said city, which notice shall state the time and place of such meeting, and shall specify the objects and purposes for which the money proposed to be raised is to be expended; and when such meeting shall be assembled, in pursuance of such notice, such electors, by a viva voce vote, shall determine the amount of money which is to be raised for each object specified in the notice: *Provided*, That such tax shall not, in any one year, exceed one per centum upon the valuation of the real and personal estate taxable within the limits of said city: *And provided also*, That not more than two such meetings shall be holden in any one year, to determine the amount of tax to be raised. At all such meetings the mayor, or in his absence the recorder, shall preside.

Streets, etc.

Improvements made
by general
tax or otherwise.

Levy and
collection of
taxes.

Sec. 16. The common council shall have power to cause the expenses of making, grading, paving and opening streets, lanes and alleys, of grading, paving, or planking side-walks, of making drains and sewers, and other local improvements, to be assessed against the owners or occupants of the lots or premises which are in front of, or adjoining such improvements, and against any other lots or premises which, in the opinion of the council, are benefitted thereby, or by general tax, as they may deem just and proper; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying and collecting such tax, and they may, by such by-laws and ordinances, provide that the real estate assessed for such improvement may be sold to pay such assessments.

Sec. 30. The common council, in addition to its powers under

this act, and subject to and consistent with its provisions, shall have power within the limits and jurisdiction of the corporation: Further powers of common council.

First. To provide for and preserve the purity and salubrity Relative to the Saginaw river. of the waters of the Saginaw river; to prohibit and prevent the depositing therein of all filthy and other matter tending to render said water impure, unwholesome or offensive; to preserve and regulate the navigation of the said river within the limits of said city; to prohibit and prevent the depositing or keeping therein any structure, earth or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may, at any time, occur therein, and to direct and regulate the stationing, anchoring and mooring of vessels, and laying out of cargoes and ballast from the same.

Second. To license, continue and regulate so many ferries Ferries. from within said city to the opposite shore of Saginaw river, for carrying and transporting persons and property across said river, in such manner as shall seem most conducive to the public good.

Third. To erect, repair and regulate public wharves and Wharves. docks at the ends of streets, and on the property of the corporation; to regulate the erection and repair of private wharves and docks, so that they shall not extend into the Saginaw river beyond a certain line, to be established by the common council, and to prohibit the encumbering of all public wharves and docks with boxes, carriages, carts, drays, sleighs, sleds, or other vehicle or thing whatsoever.

Fourth. To lease the wharves and wharfing privileges at the Leasing of wharves. end of streets, on the Saginaw river, in said city, upon such terms and conditions, and under such covenants, and with such remedies in case of non-performance, as the common council may direct; but no buildings shall be erected thereon, no lease thereof shall be executed for a longer period than twenty years, and a Term of lease limited. free passage at all times shall be secured for all persons, with their baggage, over said public wharves.

Fifth. To provide for the draining of any swamp, marsh, wet or Drainage of swamps, etc low lands in said city, or within the distance of three miles there-

Proceedings from, by the opening of ditches; but a jury of not less than six disinterested freeholders of the county of Saginaw, before any proposed ditch can be opened, shall ascertain that the opening thereof is necessary or proper; also, whether the benefits which will accrue to the owner or owners of any land from the opening of the ditch, will or will not be equal to any damages he or they will sustain thereby; if such benefits are exceeded by the damages, they shall ascertain and certify the damages to which the owner or owners will be entitled, after deducting therefrom the amount of benefits their lands will receive from the opening

Payment of of the proposed ditch. On payment or tender of the damages damages. thus ascertained and certified, the common council shall have the power to enter upon any land through which the proposed ditch will run, with the necessary agents, teams and implements to cut and open said ditch; to protect, clean and scour it from time to time, so as to preserve its original dimensions, and to prohibit and prevent all obstruction thereof or injury thereto.

Erection of Sixth. To prohibit or prevent the location and construction of any wooden or frame house, store, shop or other building, on such streets, alleys and places, or within such limits in said city, as the common council may from time to time prescribe; to prohibit and prevent the removing of wooden or frame buildings from any part of said city to any lot on such streets, alleys and places, or within said limits, and the rebuilding and repairing of the same; to prevent the rebuilding or repairing of wooden buildings on said streets, alleys and places, or within said limits, when damaged by fire or otherwise.

Inspectors, Seventh. To appoint one or more inspectors, measurers, weighers and gaugers of articles to be measured, inspected, weighed or gauged; to prescribe and regulate their powers and duties, fees and compensation.

Care of paupers. Eighth To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing in vessels, or in any other mode, to said city, from any other port or place; any pauper or other person likely to become a charge upon said city, and to punish therefor.

Ninth. To erect and provide for the erection of a city hall, ^{Erection of city hall.} and needful buildings and offices, for the use of the corporation, or of its officers, and to control and regulate the same, and to purchase or lease the ground whereon to erect the same.

Tenth. To purchase for the use of said city so much land, ^{Cemetery.} without the limits of the city, as may be required for the purposes of a cemetery, the same to be located not exceeding four miles beyond the boundary of the city; and in case said council is unable to agree with the owner or owners for the purchase of such lands, they shall have the right to acquire the title to the same for said city in the manner and by the proceeding prescribed in section thirty-five of this act, relative to the laying out or altering of streets, lanes or alleys, as near as may be.

Sec. 35. The common council shall have power to regulate ^{Streets.} the time and manner of working upon the streets, lanes and alleys in said city; to provide for the grading, planking or paving, and railing the side-walks, and to prescribe the width thereof; to prevent the obstruction or encumbering of any of the streets, lanes, alleys, side-walks or public grounds in said city; to lay out, open, make, grade and repair streets, lanes and ^{Open and vacate the same.} alleys, and the same to alter and vacate, and to alter or vacate those already laid out: *Provided*, That before any street, lane ^{Provided.} or alley shall be vacated or altered, the person or persons applying therefor shall give public notice, specifying the time and place at which such application will be made, by causing the same to be published in a newspaper printed and published in said city, for three successive weeks, and by personally serving upon each owner residing in said city, and occupant of any lot or part of lot contiguous to the street or alley proposed to be altered or vacated, a copy of such notice. Upon the hearing of such application, all parties in interest shall be entitled to be heard in person, or by counsel of their choice, and no street or alley shall be vacated or altered except upon sufficient cause shown, and with the concurrence of three-fourths of all the aldermen elected. If, in laying out or altering any street, lane or highway, the common council shall require for such purposes

Proceedings when private property is taken. the grounds of any person, they shall give notice thereof to the owner or persons interested, or his or their agent or representative, by personal service, or by written notice posted in three of the most public places in said city, at least three weeks next preceding the meeting of said common council, for the purposes aforesaid; and the common council are authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for the mayor or recorder of said city to issue *venire facias*, to command the marshal of said city to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said city, to appear before said mayor or recorder, at any place therein to be stated, to inquire into and determine the necessity for using such grounds, and the just compensation to be made therefor, to the owner or owners of, or parties interested in, said grounds or premises; which jury, being first duly sworn by said mayor or recorder faithfully and impartially to inquire into the necessity for taking or using such grounds, and to ascertain and determine the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners, or the parties interested in such grounds or premises; for their respective injuries, according to the several interests or estates therein; and the said mayor or recorder shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane or alley shall be made, laid out, altered or opened, to the claimant or claimants thereof; it shall thereupon be lawful for said common council to cause such grounds to be occupied for the purposes aforesaid: *Provided*, That any party claiming damages, as aforesaid, may have the right to remove such proceedings, by appeal, to the circuit court or any court of competent jurisdiction, upon giving notice of his, her, or their

Provisions for a jury.

Assessment of damages.

Judgment confirmed.

Tender of damages.

Occupation of grounds.

Appeal.

intention so to do, to said mayor or recorder, in writing, within ^{Notice thereof.} ten days; or in case of the absence of said party from said city, (at the time of the rendition of said judgment,) then within thirty days after the verdict of such jury and the judgment of such mayor or recorder, as aforesaid; and upon filing ^{Proceedings on appeal.} a transcript of the proceedings aforesaid, duly certified by said mayor or recorder, within forty days after such verdict and judgment, in the circuit court for Saginaw county, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment for damages ^{Proviso.} shall not exceed the damages assessed before the mayor or recorder at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Sec. 38. The officers of said corporation shall be entitled to ^{Compensation of officers.} receive, out of the city treasury, the following sums, in full payment for their services: The mayor shall be paid one dollar ^{Mayor.} per annum; the attorney shall be entitled to receive such sum ^{Attorney.} as the common council shall allow, not exceeding twenty-five dollars per annum; the marshal shall be entitled to receive the ^{Marshal.} same fees for serving process, in behalf of the corporation, as constables are by law allowed for similar services, and he shall also receive such further compensation, not exceeding twenty-five dollars per annum, as the common council shall allow; the treasurer, justices of the peace, and constables, shall be al- ^{Treasurer, justices and constables.} lowed the same fees as are by law allowed to corresponding township officers, unless in this act otherwise provided; the street commissioner shall be entitled to receive one dollar and ^{Street commissioner.} fifty cents per day for his services, and at the same rate for parts of a day actually employed; the directors of the poor, ^{Directors of the poor.} school inspectors, and all other officers of said city, not other- ^{School inspectors.} wise provided for, except the aldermen not acting as super- ^{Aldermen.} visors, shall be entitled to receive such compensation as the common council shall allow, not exceeding one dollar per day for every day actually employed in the performance of the duties of their respective offices; the recorder shall be entitled to ^{Recorder.}

receive such sum as the common council shall allow, not exceeding two hundred [dollars] per annum.

Aldermen to make assessment.

Sec. 51. Each alderman acting as the supervisor of said city shall, in each and every year, make and complete the assessment of all the real and personal property within their respective wards, in the same manner, and within the same time, as required by law for the assessment of property in the several townships of this State, and in so doing, shall conform to the provisions of law governing the action of the supervisors of the several townships of this State, performing like services; and in all other respects within their respective wards they shall, unless when otherwise in this act provided, conform to the provisions of law governing the action of supervisors in the several townships of this State, in the assessment of property. The

Assessment rolls to be delivered to recorder.

said supervisors shall, within five days after the expiration of the time fixed by law for the completion and review of the assessment rolls of townships, deliver their assessment rolls to the recorder, who shall thereupon copy the said several rolls into one roll; the said several rolls shall remain in the office of the recorder until the meeting of the board of supervisors of Saginaw county, for the purpose of equalizing the assessment rolls of said county, at which time said copied roll shall be delivered by said recorder to the aldermen acting as supervisors, who shall present the same to the said board for equalization; immediately after the equalization, said roll shall be returned to the recorder.

Proceedings thereon.

Common council to determine the amount of tax.

Sec. 52. It shall be the duty of the common council of said city, on or before the last Saturday in September in each year, to determine, by resolution, the amount necessary to be raised by tax for city purposes, within said city, for each year.

Recorder to levy the tax ordered.

Sec. 53. The recorder of said city shall levy the sum, so ordered to be raised for city purposes, and all other taxes required by law, upon the taxable property of said city, in the same manner as taxes in townships are required by law to be levied by the supervisors of the townships in this State; and he shall extend the several taxes required by law to be raised upon said

equalized roll, and, complete said roll, and deliver the same, with his warrant thereto attached, in the form required by law, to the city treasurer, within the time prescribed by law for the completion and delivery of the township tax rolls to the respective township treasurers of this State: *Provided*, Security has been given by such city treasurer, as required by law, or in this act provided; but if such security shall not have been given by such city treasurer, in the manner and within the time required, the common council shall immediately appoint some suitable person who will give the requisite security, to collect such tax roll; and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes, and make return of his doings thereon, in the same manner, and shall have all the powers, and shall perform all the duties, and be subject to the same liabilities, in this act conferred upon the city treasurer of said city, for the purpose of the collection and return and paying over of such taxes.

City treasurer to give security.

Proceedings when security is not given.

Sec. 54. For the collection of all such taxes, the city treasurer, or other person appointed to collect the same, shall be entitled to receive such per centage as shall be prescribed by the common council by ordinance, not exceeding four per centum upon the sum to be collected, which sum shall be added in the computation of the taxes on said tax rolls of the respective wards of said city.

Compensation for collecting taxes.

Sec. 83. No person shall be elected or appointed to any office created by this act who is now, or may hereafter be a defaulter to said city, or to any board of officers thereof, or to the State of Michigan, or any county, township or other municipal corporation therein; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public money or papers pertaining to his office, which may have come into his possession. If any person holding any such office shall become a defaulter while in office, the same shall thereby be vacated.

Defaulters not eligible to office.

Who considered defaulters.

When office shall be vacated.

Officers not
to be inter-
ested in con-
tracts.

No member of the common council, or other officer of the city, shall be directly or indirectly interested in any contract, as principal, surety, or otherwise, upon which any sum is to be paid by or under any act or ordinance of the common council; and any officer violating this provision shall be liable to be removed therefor.

Sec. 2. Section four of said act is hereby repealed.

Sec. 3. This act shall take immediate effect.

Approved February 25, 1863.

[No. 40.]

AN ACT to amend act number one hundred and thirty, session laws eighteen hundred and fifty-nine, approved February the twelfth, being an act entitled "an act to provide for the improvement of Bridgeport and Forestville State road."

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of said act shall be amended so as to read as follows:

Appropriation
of high-
way taxes.

Sec. 1. That for the purpose of improving the Bridgeport and Forestville State road, so far as the same is located in the counties of Sanilac and Huron, there shall be and is hereby appropriated all of the non-resident highway taxes that shall be collected for the year eighteen hundred and fifty-eight, and for five years thereafter, upon any legal subdivision of land, an equal or a greater part of which shall be within two lines running parallel with said road, one mile each way from the centre of said road, in the townships through which it may pass, between the county line of Tuscola county, and Forestville, Sanilac county, except where said road passes through townships fourteen north, of ranges twelve and thirteen east; and no part of said taxes in said towns shall be applied on said road where it passes through said ranges.

Sec. 2. This act shall take immediate effect.

Approved February 25, 1863.

[No. 41.]

AN ACT to repeal section two, of act number one hundred and six, of the session laws of eighteen hundred and forty, entitled "an act relative to common schools, and for the payment of the claim of Thomas Beals, and for other purposes," approved April first, eighteen hundred and forty.

SECTION 1. *The People of the State of Michigan enact*, That section two, of act number one hundred and six, of the session laws of eighteen hundred and forty, entitled "an act relative to common schools, and for the payment of the claim of Thomas Beals, and for other purposes," is hereby repealed. Section repealed.

Sec. 2. This act shall take immediate effect.

Approved February 25, 1863.

[No. 42.]

AN ACT to authorize the president and trustees of the village of Romeo, in the county of Macomb, to organize under the general law for incorporation of villages.

SECTION 1. *The People of the State of Michigan enact*, That the president and trustees of the village of Romeo, in the county of Macomb, are hereby authorized to organize said village corporation under the provisions of the general law for the incorporation of villages, as set forth in chapter seventy-two of the compiled laws, and amended by act number one hundred and nine of the session laws of eighteen hundred and fifty-nine. Authorized to organize under the general law.

Sec. 2. The present officers shall continue to hold their offices until the first Monday in May, eighteen hundred and sixty-three, at which time the first election for officers, according to the general law aforesaid, shall be held, and annually thereafter on the first Tuesday in March, as required by law. Present officers to hold over. First election.

Sec. 3. Any contracts or agreements that may have been entered into by the present village board, shall be binding on the new corporation; and any books, records, or any other Contracts declared binding.

property held by the present board, shall be handed over to their successors, when elected and qualified.

Sec. 4. This act shall take immediate effect.

Approved February 25, 1863.

[No. 43.]

AN ACT to authorize school district number four of the township of Decatur, in the county of Van Buren, to issue bonds.

Issue of
bonds au-
thorized.

Amount
limited.

Provide.

SECTION 1. *The People of the State of Michigan enact*, That the district board of school district number four, of the township of Decatur, in the county of Van Buren, be and the same is hereby authorized to issue and negotiate the bonds of said district, in such sums and for such amounts, not exceeding five thousand dollars, and drawing not exceeding ten per cent. interest, as said school district shall, at any annual or special meeting, direct, by a majority vote of the legal voters of said district there assembled: *Provided*, That the meeting at which such bonds shall be authorized shall be called in the manner now provided by law.

Sec. 2. This act shall take immediate effect.

Approved February 25, 1863.

[No. 44.]

AN ACT to amend an act entitled "an act to amend section sixty-three, of chapter sixty, of the revised statutes of eighteen hundred and forty-six, being section twenty-five hundred and five of the compiled laws, relative to trespasses on public lands," approved March fifteenth, eighteen hundred and sixty-one.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section sixty-three, of chapter sixty, of the revised statutes of eighteen hundred and forty-six, be and the same is hereby amended so as to read as follows:

Sec. 63. Any person who shall commit any trespass upon any

of the lands owned or held in trust, or otherwise, by this State, shall be liable in treble damages, in an action of trespass, to be brought in the name of the people of the State, if such trespass shall be found by the court or jury to have been willful, and single damages only shall be recovered in such action, if such trespass shall be found to have been casual and involuntary; and whenever the prosecuting attorney, Commissioner of State Land Office, or person designated by him to prosecute for such trespass, shall make an affidavit that any person, naming him, has committed such trespass on any of such lands, as he verily believes, and stating, as near as may be, the amount of damages occasioned thereby, and that he is either not a resident of this State, or has absconded therefrom, or is about to abscond, to avoid the service of process, and shall present the same to the clerk of the circuit or district court in which such lands are situate, a writ of attachment shall be issued, and such affidavit be attached thereto, as the commencement of suit against such alleged trespasser, in the same form, as nearly as applicable, as provided in chapter one hundred and fourteen of the revised statutes of eighteen hundred and forty-six, and all the provisions of said chapter, and the practice under the same, not inconsistent with this act, shall be applicable to regulate the proceedings therein, under this act, and to make the same effectual.

Sec. 2. This act shall take immediate effect.

Approved February 25, 1863.

[No. 45.]

AN ACT to amend section two of an act entitled "an act to organize the Michigan Asylum for the Insane, and more effectually provide for the care, maintenance and recovery of the insane," approved February fourteenth, eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact, That* section two of the above entitled act shall be and the same is hereby amended so as to read as follows:

Vacancies,
how filled.

Sec. 2. The Governor shall have power, and it shall be his duty, whenever any vacancy shall occur in said board, by death, removal or otherwise, to appoint such suitable person or persons to fill such vacancy, who shall hold their office until the next session of the Legislature, and until such vacancy shall be filled as aforesaid. The government and sole and exclusive control of the Michigan Asylum for the Insane, shall be vested in said board of trustees, and two of them shall reside within five miles of said Asylum.

Powers of
board.

Approved February 25, 1863.

[No. 46.]

AN ACT for the acceptance of the donation of public lands made by act of Congress, approved July 2d, eighteen hundred and sixty-two, providing for the endowment of colleges for the benefit of agriculture and the mechanic arts.

Grant ac-
cepted.

SECTION 1. *The People of the State of Michigan enact*, That the grant of land accruing to the State of Michigan, under and by virtue of an act of Congress, donating public lands to the several States and territories, which may provide colleges for the benefit of agriculture and the mechanic arts, approved July second, eighteen hundred and sixty-two, be and the same is hereby accepted, in accordance with all the conditions and provisions in said act contained.

Sec. 2. This act shall take immediate effect.

Approved February 25, 1863.

[No. 47.]

AN ACT to amend chapter one hundred and fifty-seven of compiled laws, relative to the foreclosure of mortgages by advertisement, being chapter one hundred and thirty of revised statutes of eighteen hundred and forty-six.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections ten, eleven and twelve, of chapter one hundred and

thirty, of revised statutes of eighteen hundred and forty-six, be amended as to sections ten, eleven and twelve, so that said sections shall read as follows:

Sec. 10. Unless the premises described in such deed shall be redeemed within the time limited for such redemption, as hereinafter provided, such deed shall thereupon become operative, and may be recorded, together with any memorandum of cancelment of a portion of the same which may have been entered thereon by the register, and shall vest in the grantee therein named, his heirs or assigns, all the right, title and interest which the mortgagor had at the time of the execution of the mortgage, or at any time thereafter, except as to any parcel or parcels which may have been redeemed and canceled, as hereinafter provided; but no person having any valid subsisting lien upon the mortgaged premises, or any part thereof, created before the lien of such mortgage took effect, shall be prejudiced by any such sale, nor shall his rights or interests be in any way affected thereby.

Effect of deed if premises are not redeemed.

Prior liens not prejudiced thereby.

Sec. 11. If the mortgagor, his heirs, executors, administrators, or any person lawfully claiming from or under him or them, shall, within one year from the time of such sale redeem the entire premises sold, by paying to the purchaser, his executors, administrators or assigns, or to the register of deeds in whose office such deed is deposited for the benefit of such purchaser, the sum which was bid therefor, with interest from the time of the sale, at the rate per cent. borne by the mortgage, not exceeding ten per cent. per annum, then such deed shall be void and of no effect; but in case any distinct lot or parcel separately sold shall be redeemed, leaving a portion of the premises unredeemed, then such deed shall be inoperative merely to the parcel or parcels so redeemed, and to those portions not so redeemed shall remain valid and of full effect.

How land redeemed.

Redemption of part.

Sec. 12. Upon the payment of the entire sum bid at such sale, and interest thereon, as aforesaid, to the register in whose office the deed therefor shall have been deposited, or upon delivering to such register a certificate, signed and acknowledged

Proceedings upon redemption.

by the person entitled to receive the same, and certified by some officer authorized to take the acknowledgment of deeds, setting forth that such sum, with interest, has been paid to such person, such register shall thereupon destroy such deed, and shall enter in the margin of the record of such mortgage a memorandum that such mortgage is satisfied; or in case the premises shall have been sold in parcels, and one or more of said parcels shall have been redeemed, as hereinbefore provided, it shall then be the duty of the register to enter upon the face of said deed a memorandum that the same is inoperative as to the parcel or parcels so redeemed, and to enter in the margin of the record of such mortgage a memorandum that the same is satisfied as to the parcel or parcels so redeemed.

Approved February 25, 1863.

[No. 48.]

AN ACT to organize the county of Leelanaw, and to define the county of Benzie.

Leelanaw
county or-
ganized.

SECTION 1. *The People of the State of Michigan enact*, That all that part of the county of Leelanaw which lies north of the south line of township twenty-eight north, shall be organized, and the inhabitants thereof shall be entitled to all the rights, privileges and powers to which, by law, the inhabitants of other organized counties in this State are entitled.

Election of
county off-
cers.

Sec. 2. At the township meeting to be held in the several townships in said county on the first Monday in April next, there shall be an election of all the county officers to which, by law, the said county may be entitled, whose term of office shall expire on the first day of January, A. D. eighteen hundred and sixty-five, and when their successors shall have been elected and qualified.

Board of
county can-
vassers;
meeting of.

Sec. 3. The board of county canvassers, under the provisions of this act, shall meet on the second Tuesday succeeding the day of election, as herein appointed, in the village of Northport, in said county, at the house of Joseph Dame, or at such other

place as may be agreed upon and provided by said board, and organize by appointing one of their number chairman and another secretary, and shall thereupon proceed to discharge all the duties of a board of county canvassers, as in other cases of the election of county officers, as prescribed by the general law.

Sec. 4. The location of the county seat of said county shall County seat be determined by the vote of the electors of said county at a special election, which is hereby appointed to be held by the several townships of said county on the first Monday in June next. There shall be written on the ballots then polled by the qualified electors of said county one of the following names of places, to-wit: Glenn Arbor, Leelanaw [Leeland] or Northport; and that one which shall receive the greatest number of votes shall be the county seat of the county of Leelanaw.

Sec. 5. It shall be the duty of the several boards of town- Elections and returns thereof. ship inspectors, in each of the townships of the said county, to conduct the elections authorized by the provisions of this act, and to make returns thereof in accordance with the general provisions of law for conducting elections in this State, so far as the same may be applicable thereto.

Sec. 6. The board of county canvassers for the special elec- Board of county canvassers; duties of. tion for locating the county seat, shall consist of the persons appointed on the day of such special election, by the several boards of township inspectors; and said board of county canvassers shall meet on the second Tuesday succeeding the day of said special election, at the house of Otto Thies, in the village of Leeland, and having appointed one of their number chairman, and the county clerk of said county acting as secretary, shall Duties of clerk. proceed to canvass the votes, and determine the location of the county seat in accordance therewith, and it shall be the duties [duty] of the clerk of said board to file a copy of the determination of said board as to the location of the county seat, signed and certified by him, and countersigned by the chairman, with the

Secretary of State, and with the township clerks of the several townships in said county.

Benzie,
boundaries
of.

Sec. 7. All that part of the county of Leelanaw which lies south of the south line of township twenty-eight north, shall be and remain the county of Benzie, and the several townships thereof shall be attached, for civil and municipal purposes, to the county of Grand Traverse.

Attached to
Grand Traver-
se.

Secretary of
State; duty
of.

Sec. 8. The Secretary of State is hereby directed to furnish the township clerk of the township of Leelanaw with a certified copy of this act, and it shall be the duty of said clerk to give the same notice of the elections to be held under the provisions of this act that is required by law to be given by the sheriff of organized counties.

Attached to
10th judi-
cial district.

Sec. 9. That the said county of Leelanaw, when so organized, shall be attached to the tenth judicial circuit, and the judge of said circuit shall hold courts in said county, as by law in such cases made and provided.

Acts repeal-
ed.

Sec. 10. All acts and parts of acts contravening the provisions of this act are hereby repealed, so far as any provision therein may conflict with this act.

Sec. 11. This act shall take immediate effect.

Approved February 27, 1863.

[No. 49.]

AN ACT to amend act number one hundred and seventy-five, of session laws of eighteen hundred and sixty-one, to grant twenty-five thousand acres of State swamp lands to the German American Seminary of the city of Detroit.

SECTION 1. *The People of the State of Michigan enact*, That act number one hundred and seventy-five, of session laws of eighteen hundred and sixty-one, to grant twenty-five thousand acres of State swamp lands to the German American Seminary of the city of Detroit, be and the same is hereby so amended as to read as follows:

Act amend-
ed.

Sec. 1. That twenty-five thousand acres of State swamp

lands, in parcels of not less than three hundred and twenty acres each, be and the same is hereby granted to the German American Seminary of the city of Detroit, to aid said seminary in erecting buildings for the use and occupancy of said seminary, on land owned by the seminary in the city of Detroit, subject, however, to the provisions contained in section two of this act.

Sec. 2. Said seminary, by its agents, is hereby authorized to select said twenty-five thousand acres of swamp land from any of the State swamp lands not otherwise disposed of, entered or occupied, under any law of this State, which selection shall be made within one year from the time when this act shall take effect; and such selection shall, within said period, be notified to the Commissioner of the State Land Office, and from the time of such notice be by said Commissioner reserved and withheld for said seminary, and the proper State officer shall, as soon as may be thereafter, issue the patents of conveyance to said seminary, or to such persons or trustees as said German American Seminary shall appoint or direct; but said land shall be subject to be drained by the grantee in such conveyance, as required by the act of Congress granting such swamp lands to the State of Michigan, and said swamp land shall be subject to taxation from the date of the patent or conveyance from the State: *Provided*, That before the issuing of the patents or conveyance, the trustees of said seminary shall deposit with the State Treasurer a bond to the people of this State, with sufficient security, to be approved by the State Treasurer, in the sum of twenty-five thousand dollars, conditioned that the net proceeds of the sales of said lands shall be faithfully and forever applied to the purposes contemplated in this grant.

Sec. 2. This act shall take immediate effect.

Approved March 5, 1863.

Land granted.

Selection of lands to be made within one year.

Comm. of Land Office to be notified of selection.

Patents to issue therefor.

Lands subject to drainage.

Subject to taxation.

Trustees to give bond.

[No. 50.]

AN ACT to amend section 160, of chapter 17, of the compiled laws, being No. 940 of the compiler's sections, relative to the duties of the Commissioner of Land Office and county treasurers.

SECTION 1. *The People of the State of Michigan enact, That* section nine hundred and forty of the compiled laws of this State, (being section 160, of chapter 17,) be and the same is hereby amended so as to read as follows:

Commissioner to furnish A. L. G. M. with statement of taxes paid.

Shall also transmit a copy to Co. Treasurers.

(§40) Sec. 160. The said commissioner shall, on or before the first day of May and November, in each year, make out and furnish to the Auditor General a statement containing a description of the lands upon which the taxes have been paid, and the amount of taxes, interest and charges paid on such lands; and shall also, at the same time, transmit to the several county treasurers of the several counties of the State a copy of such statement, so far as the same relates to each county respectively, and the county treasurer shall credit the respective townships with the portion of such taxes and interest belonging to them respectively.

Sec. 2. This act shall take immediate effect.

Approved March 6, 1863.

[No. 51.]

AN ACT to authorize the payment of a State bounty to volunteers mustered from this State into the military service of the United States.

Governor authorized to pay a bounty.

SECTION 1. *The People of the State of Michigan enact, That the* Governor be and he is hereby authorized, in his discretion, to cause to be paid from the war fund such uniform bounty as he shall deem necessary, not exceeding fifty dollars to each volunteer, non-commissioned officer, musician or private, that may enlist and be mustered into the service of the United States in any regiment, battery or company heretofore mustered from this State into the military service of the United States, or now

organizing in this State for such service: *Provided*, That no Proviso. such bounty shall be paid to any person enlisted previous to the time when this act shall take effect.

Sec. 2. The Quartermaster General of this State shall pay to Payment of bounty. each volunteer mustered into the service as aforesaid, as soon thereafter as practicable, such bounty as the Governor shall have directed to be paid; and for that purpose he is hereby Blanks to be prepared. authorized and required to cause blanks to be prepared, similar to the pay rolls used in the United States army, which shall exhibit the name, age, residence, date of payment, and amount paid; and each volunteer, upon receiving said bounty, shall subscribe his name to such roll.

Sec. 3. This act shall take immediate effect.

Approved March 6, 1863.

[No. 52.]

AN ACT to authorize the circuit judge to change the times of holding courts in the second judicial circuit.

SECTION 1. *The People of the State of Michigan enact*, That the circuit judge for the second judicial circuit be authorized Change of time authorized. to change the times for holding the several courts in said circuit, and fix and appoint the terms thereof, and that when so changed the terms so fixed and appointed remain unalterable till the time provided by law for a new appointment.

Sec. 2. This act shall take immediate effect.

Approved March 6, 1863.

[No. 53.]

AN ACT to amend an act entitled "an act to incorporate the village of Hudson," approved February 12th, 1853.

SECTION 1. *The People of the State of Michigan enact*, That section thirteen of an act entitled "an act to incorporate the village Section amended. of Hudson," approved February twelfth, one thousand eight hundred and fifty-three, be amended so as to read as follows:

Common
council:
powers of.

1862

Sec. 13. The common council shall have power to make all such by-laws and ordinances as shall be necessary to secure said village, and the inhabitants thereof, against injuries by fire, and persons violating the public peace; for the suppression of riots and gambling, and for the punishment of the same; for the apprehension and punishment of vagrants, drunkards and idle persons; and they shall have power to make all by-laws and ordinances as to them shall seem necessary for the safety and good government of said village and the inhabitants thereof, and to impose fines, penalties, imprisonment and forfeitures on all persons offending against the by-laws and ordinances made as aforesaid; and all fines or forfeitures imposed for a violation of any village ordinance shall be paid into the village treasury by the justice collecting the same; and they shall also have power to erect and maintain a village prison, and to imprison therein any person arrested for, or convicted of, a violation of any village ordinance under the provisions of this act: *Provided*, That no person shall be imprisoned in said village prison for a violation of a village ordinance for more than thirty days; and any person arrested for a violation of any law of the State may be imprisoned therein during the time that shall elapse between the time of arrest and trial, or examination; and they shall also have power to make all necessary rules and regulations for the government of said prison.

Sec. 2. This act shall take immediate effect.

Approved March 6, 1863.

[No. 54.]

AN ACT to amend sections one, three, four, five, six, seven and eight, of act number 233 of session laws of 1859, entitled "an act for the construction of a State road from St. Louis, in Gratiot county, by way of Alma and the geographical centre of Montcalm county, to the State road from Greenville, in Montcalm county, to the big rapids on the Muskegon river," and add one new section to stand as section nine.

SECTION 1. *The People of the State of Michigan enact, That* sections one, three, four, five, six, seven and eight of said act, ^{Sections amended.} be amended so as to read as follows, viz:

Sec. 1. That George F. Case, of Montcalm county, be and he ^{Commissioner.} is hereby appointed a commissioner to complete the laying out and establishing a State road from St. Louis, in Gratiot county, by way of Alma and the geographical centre of Montcalm county, to the State road from Greenville, in Montcalm county, to the big rapids on Muskegon river.

Sec. 3. Any overseers of highways within any township ^{Duty of overseers of highways.} through which any part of such road may run, or any township treasurer thereof, having received any portion of such non-resident highway tax for any of the period above specified, by way of commutation or otherwise, shall, on demand of the special commissioner hereinbefore named in this act, or his successor, pay over to him any sum so received; and the receipt of said special commissioner shall release such overseer or treasurer from any further liability therefor.

Sec. 4. It shall be the duty of said special commissioner to ^{Duty of special commissioner.} superintend the expenditure of such sums of money as may from time to time be collected and received by him, for the benefit and improvement of said road, and to direct and determine the manner in which said labor shall be applied: *Provided,* That all moneys collected in the counties hereinbefore mentioned shall be expended within the limits of each county wherein the same may have been collected; and the special commissioner shall lay out the said road in accordance with the provisions of the general highway law, so far as the same re-

lates to assessing damages to private property over which said road may pass.

Subscriptions and donations.

Sec. 5. That said special commissioner may receive subscriptions and donations for the benefit of said road, and shall cause the same to be faithfully applied to the establishment and improvement of said road; and it shall be the duty of such commissioner to render to the board of supervisors of each county above named, at their annual session, a true account of the application and disbursement of all moneys he may have received in such counties, respectively, each year.

Bond of commissioner.

Sec. 6. Before entering upon the duties of his office, the said commissioner shall execute a bond to the treasurer of the proper county, with one or more sufficient sureties, in double the estimated amount of money to be drawn from such county, conditioned for the faithful performance of the duties of his office, and disbursement of all moneys coming into his hands as such commissioner, which bond shall be renewed annually, on or before the first Wednesday of January in each year, and shall be approved by such treasurer, and be filed by the clerk of the proper county; and upon executing and filing such bonds, the commissioner is hereby authorized to draw upon the treasurer of the proper county for any money in the treasury thereof which is, by the second section of the act hereby amended, appropriated for the construction and improvement of the said State road described in the first section of this act.

Compensation.

Sec. 7. The said special commissioner shall receive, as compensation for his services, one dollar and fifty cents per day while actually engaged in the service of said road, which amount shall be audited and allowed by the board of supervisors of Montcalm county, and paid out of the funds created by this act; and the said board of supervisors shall require said commissioner to verify his accounts by affidavit.

Vacancies.

Sec. 8. In case the above mentioned special commissioner shall not accept an appointment under this act, or, after entering upon a discharge of the duties required of him as such commissioner by the same, shall vacate said appointment by

resignation, sickness or death, or other legal disability, the county treasurer, county clerk and prosecuting attorney of Montcalm county, or any two of them, may fill said vacancy.

Sec. 9. Whenever and as soon as the aforesaid special commissioner, George F. Case, shall execute and file the bonds required by the sixth section of this act, he may and shall enter upon the discharge of the duties of his office, and thereupon the powers and duties of Michael Strayer, Peter Schlappi and Ira Barlow, as commissioners of said State road, shall thenceforward cease; and the said Michael Strayer, Peter Schlappi and Ira Barlow shall, and they are hereby required, to account for and pay over to George F. Case, the commissioner herein appointed, all moneys, property and effects in their hands, or in the hands of either of them as such commissioners, upon demand being made by the aforesaid special commissioner; and upon the neglect or refusal so to account for and pay over any such moneys, property and effects, the prosecuting attorney of Montcalm county, in the name of the treasurer of the proper county or otherwise, as may be necessary, is hereby authorized and required to prosecute the said Michael Strayer, Peter Schlappi and Ira Barlow, or either of them, and their sureties, for the recovery of the same with costs, in any court having cognizance thereof.

Commissioner to enter upon discharge of his duties.

Duties of former commissioners.

Proceedings in case of refusal.

Sec. 2. This act shall take immediate effect.

Approved March 6, 1863.

[No. 55.]

AN ACT to repeal act number one hundred and twelve, of the session laws of eighteen hundred and fifty-nine, being "an act to incorporate the village of Paw Paw."

SECTION 1. *The People of the State of Michigan enact*, That act number one hundred and twelve, of the session laws of eighteen hundred and fifty-nine, being an act entitled "an act to incor-

Act repealed.

porate the village of Paw Paw," be and the same is hereby repealed.

Sec. 2. This act shall take immediate effect.

Approved March 6, 1863.

[No. 56.]

AN ACT to provide for paying or funding the bounty fund raised by the citizens of Detroit.

SECTION 1. *The People of the State of Michigan enact, That at*

Imposition of a tax; citizens to vote thereon. the public meeting of the citizens of Detroit, to be held during the present year, to take into consideration the taxes proposed to be raised for the fiscal year of eighteen hundred and sixty-three, the said citizens shall also vote whether or not they will consent to the imposition of a tax, or the issuing of bonds, to repay, with interest, the sum advanced by sundry persons or associations, under authority of resolutions passed by the common council of the city of Detroit, July twenty-fourth and August twenty-sixth, eighteen hundred and sixty-two, as a bounty fund to such inhabitants of said city as might volunteer into

In case of refusal. the military service of the United States; and in case a majority of said citizens, at such meeting, shall refuse their assent to the levying such tax, or the issuing of such bonds, then no such tax shall be levied, or bonds issued, under this act; but

In case of assent tax to be levied in case the majority of the citizens at such meeting so to be held as aforesaid, shall consent to the levy of such tax, or the issue of such bonds, then the common council of said city are hereby authorized to levy a tax sufficient to pay said money so advanced, with interest not exceeding seven per cent., or to

Bonds. issue bonds for the amount of said advance, to be known as "volunteer bounty bonds," bearing an annual interest not exceeding seven per cent., and redeemable within four years from the time of their issue; the said tax to be levied, or the said bonds to be issued, according as a majority at said meeting shall specifically determine.

Sec. 2. If the majority of said citizens, at their aforesaid

meeting, shall determine that bonds shall be issued for such advance, the said common council are hereby empowered and directed to levy an annual tax to pay the interest on said bonds, and an annual tax of ten thousand dollars to provide for the retirement of said bonds at their maturity.

Interest on
bonds.

Principal;
tax for pay-
ment of.

Sec. 3. The authority under this act shall be confined solely and entirely to the bounty fund raised during the summer of eighteen hundred and sixty-two, usually called the "forty thousand dollars bounty fund," and shall not apply to any other or future bounties, or issue of city bonds.

Limitation
of authority

Sec. 4. This act shall take immediate effect.

Approved March 6, 1863.

[No. 57.]

AN ACT to change the name of the village of Ionia county seat to Ionia.

SECTION 1. *The People of the State of Michigan enact*, That the name of the village of Ionia county seat, in Ionia county, be and is hereby changed to Ionia.

Name
changed.

Sec. 2. This act shall take immediate effect.

Approved March 7, 1863.

[No. 58.]

AN ACT to organize the townships of Sigel and Fair Haven, in Huron county.

SECTION 1. *The People of the State of Michigan enact*, That surveyed township number sixteen north, of range number four-teen east, in the county of Huron, be and the same is hereby organized into a township by the name of Sigel, and the first township meeting therein shall be held at the house of Walterhous Whitelem, in said township; and Walterhous Whitelem, Josef Lorskowske and Watson Robinson, are hereby authorized to act as inspectors of the first election to elect township officers

Sigel organ-
ized.

&c., which election shall be held on the first Monday in April, eighteen hundred and sixty-three.

**Fair Haven
organized.**

Sec. 2. That surveyed fractional townships number sixteen and seventeen north, of range nine east, in the county of Huron, be and the same is hereby organized into a township by the name of Fair Haven, and the first township meeting shall be held at the house of John S. Davis; and John S. Davis, Carle Hiesterman and Warren Fuller, are hereby authorized to act as inspectors of election at said meeting; which meeting shall be held on the first Monday in April, eighteen hundred and sixty-three.

Sec. 3. This act shall take immediate effect.

Approved March 7, 1863.

[No. 59.]

AN ACT to amend section eighty-eight of an act entitled "an act to revise the charter of the city of Ypsilanti," approved February fifteenth, eighteen hundred and fifty-nine.

**Section
amended.**

SECTION 1. *The People of the State of Michigan enact*, That section eighty-eight of "an act to revise the charter of the city of Ypsilanti," approved February fifteenth, eighteen hundred and fifty-nine, be and the same is hereby amended so as to read as follows:

**Salary of
city officers.**

Sec. 88. The common council shall annually determine the salary or compensation to be paid to the several officers of said city, within the limitations hereinafter prescribed, and which shall be as follows, to-wit: to the city clerk, in addition to his fees and perquisites prescribed by law, a sum not exceeding two hundred dollars per annum; to the city treasurer, a sum not exceeding one hundred dollars per annum; to the city marshal, as superintendent of streets and highways, a sum not exceeding one dollar and fifty cents per day, and at that rate for any part of a day, for every day by him actually spent in the performance of such duties; to each alderman of said city, (as such,) a sum not exceeding one dollar per annum; to

the city auditor, a sum not exceeding one hundred dollars; to the city attorney, a sum not exceeding two hundred dollars per annum; and they may also establish the fee or salary to be paid to all other officers appointed by them, whose fees are not prescribed by law, and whose compensation for services is required to be paid from the city treasury.

Sec. 2. This act shall take immediate effect.

Approved March 7, 1863.

[No. 60.]

AN ACT to enlarge the corporate limits and to incorporate the village of Corunna under a special charter.

SECTION 1. *The People of the State of Michigan enact, That* so much of the township of Caledonia, in the county of Shiawassee, (including all the territory embraced within the boundaries of the present village of Corunna,) as is included in the following territory, to-wit: the east half of sections twenty and twenty-nine, the west half of sections twenty-two and twenty-seven, and all of sections twenty-one and twenty-eight, in town seven north, of range three east, being in Shiawassee county, and State of Michigan, be and the same is hereby constituted a village corporate, by the name of the village of Corunna.

Sec. 2. The inhabitants of said village, having the qualifications of electors under the constitution, shall meet at such place, in said village, as the president and board of trustees of the present village of Corunna shall designate, on the first Tuesday of March next, and on the first Tuesday of March annually thereafter, and then and there, by a plurality of votes, elect, by ballot, from among the qualified electors of said village, one president, six trustees, one clerk, and one assessor, and one treasurer, who shall, except the trustees, hold their offices for one year, and until their successors are elected and qualified. The trustees, at the first election held under this act, shall hold their offices, three of them for one year and three of them for two years, to be determined by lot at the first meeting of the

Boundaries
of village.

Annual election; when
and where
held.

Officers to
be elected.

Term of
office.

common council held subsequent to said election. At each election after the first, but three trustees shall be elected annually, who shall hold their offices for two years, and until their

Elections in certain cases; when held. successors are elected and qualified: *Provided*, That if any such election, for any cause, shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation, for that cause, shall not be deemed to be dissolved, but it shall and may be lawful to hold such elections at any time thereafter, pursuant to public notice, to be given as hereinafter provided.

First election; how held and conducted. Sec. 3. At the first election to be holden under this act, which shall be held on the first Tuesday of March next, the president, clerk, and one or more of the present trustees of the village of Corunna, shall be judges of the election, and shall canvass the votes, and certify the results of the election to the president and board of trustees of the present village of Corunna, who shall canvass the said certificates, and declare the result of said election, in the same manner that the common council are required

Subsequent elections. to do by this act; and all subsequent elections shall be held in said village, and superintended by the president, clerk, and one

Poll list to be kept. or more of the trustees: *And further*, That the poll of such election shall be opened between the hours of nine and ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector voting at such election shall be written on the poll list, to be kept at such election by the officer or officers holding the same, and the said officer or officers shall proceed, without delay, publicly to count the ballots, unopened; and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the officer or officers holding said election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots are found rolled or folded up together they shall not be estimated, and thereupon the officer or officers holding such election shall immediately proceed openly and publicly to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day,

When certain ballots to be destroyed.

To count votes and certify results.

or on the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the clerk of said village before two o'clock in the afternoon of the next day after the said election, at which time the common council shall canvass said returns, and declare the result of said election; and in case it shall at any time happen that two or more persons shall have an equal number of votes for the same office, the common council shall take as many strips of paper, of equal size, as there are persons having an equal number of votes, and write a ballot for each of such persons, one on each of said strips of paper, and shall put said ballots together in a hat or box, and one of the members of said common council shall then draw from said hat or box one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared elected; and in all cases not herein otherwise provided for, the inspectors of said election, or of any election held pursuant to this act, shall have the same powers and proceed in the same manner, in all respects, as prescribed by the laws of this State for the inspectors of special and general elections.

In case of a tie, the election to be determined by lot.

Sec. 4. The clerk of said village shall give five days notice in writing, to be posted in three public places in said village, of the time and place of holding all elections, both annual and special, in said village, and as soon as practicable, and within five days after the closing of the polls of any election, notify the officers respectively of their election; and the said officers so elected and notified, as aforesaid, shall, within ten days after the receiving of such notice, take an oath or affirmation before some officer authorized to administer the same, to support the constitution of the United States and of this State, and faithfully and impartially to execute and discharge the duties of their respective offices, a certificate of which shall be filed with the clerk of said village.

Notice of election.

Notice to persons elected.

Oath of officers.

Sec. 5. It shall be the duty of the president to preside at all meetings of said council, and in case of his absence the common council may appoint one of their own number a president

Duties of the president and clerk.

pro tem.; and it shall be the duty of the clerk to attend all such meetings, and keep a fair and accurate record of their proceedings, and in case of his absence, the common council may appoint one of their own number a clerk *pro tem.*

Body corporate, name, powers, &c.

Sec. 6. The president, clerk and trustees of said village, shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of "the common council of the village of Corunna," and by that name they and their successors shall be known in law, and shall be and are hereby made capable of suing and being sued, of impleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of record, and any other place whatsoever; and may have a common seal, and may alter and change the same at their pleasure; and by the same name shall be and are hereby made capable of purchasing, holding, conveying and disposing of any real or personal estate, for the use of the said corporation: *Provided*, That said corporation shall not be sued except in a court of record.

May have seal, hold real and personal property, &c.

Inhabitants liable to laws relating to township government. Exception.

Sec. 7. The inhabitants of said village shall be liable to the operation of any and all laws relating to town[ship] government, except so far as relates to laying out, altering, vacating and constructing streets and highways, and the labor to be performed thereon, within the limits thereof: *Provided*, That nothing herein contained shall make it incumbent on the said corporation to build or keep in repair any of the bridges crossing Shiawassee river, or the waste race from the mill-pond, within the limits of said village.

Town and village to be one so far as bridges are concerned in said village.

Sec. 8. For the purpose of building, maintaining and repairing the bridges over the Shiawassee river, and the waste race from the mill-pond, within the limits of said village, the township of Caledonia and the said village shall be deemed the township of Caledonia, as the said township existed before the incorporation of the village of Corunna, and shall be subject to all the provisions of the general laws of this State relative to the building, maintaining and keeping in repair such bridges.

Sec. 9. The common council of said village shall have and

are hereby vested with full power and authority to raise money, by tax, to buy one or more fire-engines, and necessary hose, hooks and ladders; to assess and levy such an amount of labor upon the real and personal estate and property in said village, as they may deem necessary to be performed upon the streets, highways and bridges in said village, and for that purpose they are hereby vested with the same powers given by law to highway commissioners, and may levy a poll tax not exceeding one dollar for each person liable therefor under the laws of this State, and may provide for commutation therefor at any sum not exceeding one dollar for each day's labor assessed, and may make ordinances providing for the return of such taxes assessed or unpaid on real estate not occupied by the owners thereof, and that such tax shall be a lien on such real estate, and cause the same to be sold for such tax, in the same manner provided by this act for the sale of real estate for other taxes assessed thereon and remaining unpaid: *Provided*, Such highway tax shall not exceed one day for every one hundred dollars valuation, exclusive of poll tax.

Powers of council to levy highway tax.

Poll tax.

Commutation.

Return of delinquent highway tax.

Lien of taxes.

Provide.

Sec. 10. The president, clerk and trustees, when qualified and assembled together, shall constitute the common council of Corunna, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn from time to time; and the said common council shall hold their meetings at such time and place as they may from time to time appoint, and they shall have power to impose, levy and collect such fines as they may deem proper for non-attendance of the officers and members thereof, at any such meeting, and also to require the attendance of any officer by them appointed, and to impose and collect fines for non-attendance: *Provided*, That no such fine shall exceed five dollars for any one offense.

Who to constitute common council

Quorum.

Meetings.

Powers.

Provide.

Sec. 11. In case of the death, resignation or removal of the president, clerk, or any of the trustees, or other officers elected by the electors of said village, such death, resignation or

Vacancies; how filled.

removal shall be announced by the president or clerk to the members of the common council, who shall convene as soon as may be, and order a public notice to be given, in the manner hereinbefore provided, that an election will be held to fill such vacancy or vacancies, which shall be conducted in the manner herein provided for the election of village officers, to be held at any time within sixty days, and not less than five days, after such vacancy shall have occurred.

Removals.

Sec. 12 The common council shall have power to remove, at pleasure, any of the officers by them appointed by virtue of this act, and to fill all vacancies that may happen in any of said offices, so often as the same may occur, by death, resignation, removal, or any other cause, and all officers so appointed shall be notified and qualified as aforesaid, and perform the duties of their respective offices.

Treasurer and marshal to give security.

Sec. 13. The treasurer and marshal shall, respectively, before they enter upon the duties of their respective offices, give such security for the faithful discharge of the trusts reposed in them as the common council shall direct and require.

Appointments by the council.

Sec. 14. The common council shall have full power and authority to appoint a marshal, one or more street commissioners, an attorney, and such other officers as may be necessary, under the provisions of this act, for said village, whose elections

By-laws relative to duties of officers.

are not herein provided for; to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer,

Streets, lanes, alleys

assessor and other officers; relative to the time and manner of working upon the streets, lanes and alleys of said village; rela-

Highway taxes.

tive to the manner of assessing, levying and collecting, and provide for the expenses of collecting, all highway and other taxes in said village; and the common council shall have power

Nuisances.

to make by-laws and ordinances relative to all nuisances within the limits of the said village, and for the abatement of the same, and for the punishment, by fine, of all persons occasioning the

Sewers and reservoirs. Side-walks.

same; to construct sewers and reservoirs; to compel the owners or occupants of land, at their own expense, to construct, make, grade, pave, plank or gravel and curb, and rail all side-

walks adjoining such land, by ordinance, with suitable penalties, or by assessing the same upon said land, in the same manner as is provided herein for the assessment and collection of taxes; to regulate the construction of private drains; to license Licenses. all showmen, draymen, inn-keepers and common victualers; to suppress all games of chance or hazard; to compel the owners of buildings to procure and keep in readiness such number of Fire buckets and ladders. fire-buckets and ladders as shall be ordered by the common council; to regulate bridges within the limits of said village; Bridges. relative to the protecting of the village from fires; relative to Fires. calling of meetings of electors of said village; relative to the Meetings of electors. keeping and sale of gun-powder in said village; relative to re- Gunpowder. straining swine, horses and other animals from running at large Running at large of animals. in the streets, lanes, alleys, and other public places in said village; to regulate and establish one or more pounds in said Pounds. village; to license, suppress or regulate billiard tables, and all Billiard tables. other gaming tables kept for hire or reward, in said village; and Gaming. also full power and authority to make all such by-laws and ordinances as may be deemed necessary or expedient for the preventing or suppressing all disorderly and bad houses: Disorderly and bad houses. *Provided always,* Such by-laws shall not be repugnant to the constitution and laws of the United States, or of the State of Michigan: *And provided also,* That no by-laws or ordinances of said Publication of by-laws. corporation shall have any effect until printed and published one week in a newspaper printed in said village of Corunna, or by written or printed notice posted up one week in three of the most public places in said village.

Sec. 15. The common council shall have power to make all Fires. such by-laws and ordinances as shall be necessary to secure said village, and the inhabitants thereof, against injuries by fire, and persons violating the public peace; for the suppression of Public peace. riots and gambling, and for the punishment of the same; for the Riots and gambling. apprehension and punishment of vagrants, drunkards and idle Vagrants, drunkards, idle persons. persons; and they shall have power and authority to make all such by-laws and ordinances as to them shall seem necessary Fines, &c. for the safety and good government thereof, and to impose all

fines, penalties or forfeitures on all persons offending against the by-laws and ordinances made as aforesaid; to prevent the vending of intoxicating liquors in any place within said village not duly licensed; to regulate the measuring of fire wood and the weighing of hay, and to prescribe and designate the stand for carters and carts, draymen and drays, and for wood, hay and produce exposed for sale in said village; to appoint a sealer of weights and measures, and one or more pound masters; to prevent immoderate driving in any of the streets of said village, and impose fines therefor; to prohibit bathing in any of the public waters of said village; to prevent the incumbering of the streets, side-walks, alleys, public grounds or squares; to provide for clearing the Shiawassee river, within the limits of said village, of all wood, filth or other nuisances, and to regulate all grave-yards and places of burial of the dead, for said village.

Sec. 16. The common council shall have power and authority to lay out and establish, vacate, open, make and alter such streets, lanes, alleys, side-walks and water courses, within the limits of said village, as they may deem necessary for the public good or convenience; and if in doing thereof they shall require for such purposes the grounds of any person, they shall give notice thereof to the owner or parties interested, or his, her or their agent or representative, by personal service, or by written notice, posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said common council for the purposes aforesaid; and the said common council are hereby authorized to treat with such person or persons for such ground or premises; and if the parties cannot agree therefor, it shall and may be lawful for said common council to direct any justice of the peace of the township of Caledonia, residing within said village, to issue a *venire facias*, to command the marshal of said village, or any constable of said county of Shiawassee, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before any justice of the peace

residing in said village, at any time therein stated, to inquire into the necessity of using such ground or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in, such grounds or premises; which jury, being first duly sworn by said justice faithfully and impartially to inquire into the necessity of using such ground or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of the necessity, and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or parties interested in, such ground or premises, for their respective losses, according to the several interests and estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered before such street, lane or alley, sidewalk or highway, shall be made, opened or established, or altered, to the claimants or claimant thereof; it shall thereupon be lawful for the common council to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That the common council, or any party claiming damages as aforesaid, may have the right to remove such proceedings, by appeal, to the circuit court, or any court of competent jurisdiction, upon giving notice of his, or her, or their intention so to do, to said justice, in writing, within ten days, or in case of the absence of said party from said village at the time of the rendition of the judgment, then within thirty days after the verdict of said jury and judgment of said justice as aforesaid; upon the filing of a transcript of the proceedings aforesaid, duly certified by the said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same [proceedings] shall be had as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment for damages shall not exceed the damages assessed before the justice

Proceed-
ings of jury.

Confirma-
tion of judg-
ment.

Premises
may be oc-
cupied.

Proviso.

Appeal, pro-
ceedings by

at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Watch-house.

Sec. 17. The common council shall have authority to build a watch-house or village prison, and appoint the requisite officers for the same: *Provided*, That the assent of a majority of the electors of said village be given for the same, at a meeting held for that purpose; and until such a prison is built, the sheriff of Shiawassee county is hereby authorized to receive criminals, and persons committed for offenses against the by-laws of said village, into the common jail of said county, on the same terms, and for the same fees, to be paid by said village, as in other cases.

Jurisdiction of justices of the peace of Caledonia.

Sec. 18. Any justice of the peace of the township of Caledonia, residing within said village, is hereby authorized and empowered to inquire of, hear, try and determine, in a summary manner, all offenses which shall be committed within the limits of said village, against any by-laws, ordinances and regulations that shall be made, ordained or established by the said common council, in pursuance of the powers granted to them in this act, and to punish the offender or offenders, as by the said by-laws, ordinances or regulations aforesaid, may be prescribed or directed: *Provided always*, That any person on a charge of violating any of the by-laws, ordinances or regulations aforesaid, may demand and have a trial by jury, and either party may appeal to the circuit court of Shiawassee county.

Proviso.

Compensation of officers.

Sec. 19. The marshal, clerk, attorney, and such other officers as may be appointed by the said common council, shall receive such compensation for their services as the by-laws and ordinances of said corporation may direct.

Annual statement of affairs of village.

Sec. 20. The common council shall, at the expiration of each year, cause to be published a just and true statement of all moneys received or expended by them, in their corporate capacity, during the year next preceding such publication; also, the disposition made thereof; previous to which they shall settle and audit the accounts of the treasurer, and all other officers and persons having claims against the said village, or accounts with

it, and shall make out, in detail, a statement of all receipts and expenditures, which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same were made, and the money expended under each appropriation, the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of said village.

Sec. 21. In all processes, prosecutions and other proceedings, wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness on account of the interest of such citizen in the event of such process or proceeding: *Provided*, That such interest be only that which is in common with the citizens of said village. Citizens not deemed incompetent jurors, etc.

Sec. 22. Whenever any action or suit shall be commenced against the corporation, process against said corporation shall be served by leaving a copy of such process, attested by a proper officer, with the clerk of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: *Provided*, That the first process shall be by summons, and a copy thereof left with the clerk at least ten days before the return day thereof. Process against village, on whom served.

Sec. 23. The common council shall have full power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on all real or personal property (not exempt from taxation) within the limits of said village, necessary to defray the expenses thereof: *Provided*, The said taxes so assessed and collected shall not exceed, in any one year, one per centum upon the valuation of said real and personal property, and exclusive of side-walk, highway and capitation or poll tax; and every assessment of taxes lawfully laid and imposed by said common council on any lands, tenements, hereditaments or premises whatever in said village, shall be and remain a lien on such lands, tenements and hereditaments from the time of making the same, or imposing such tax, until paid; and the owner or occupants, or parties in interest, respectively, in said real estate, shall be liable to pay every Poll-tax. Proviso. Taxes a lien.

Sale of prop-
erty for tax-
es.

Notice of
sale.

Certificate
of sale.

Conveyance
to be execu-
ted.

Conveyance
recorded
two years
evidence of
title.

such assessment or tax to be made as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for the want thereof to sell real estate, rendering the surplus, if any, after deducting the charges of such sale, to the person against whom the tax is levied: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in said county for at least four weeks, once in each, previous to such sale; and the said marshal shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to said lands described in the certificate of sale shall not, within one year from the date of such certificate, pay to the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon, at the rate of twenty per centum per annum, from the date of such certificate, the said marshal or his successor in office shall, at the expiration of the said year, execute to the purchaser or purchasers, his or their heirs and assigns a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, subject to all the claims the State shall have therein; and every such conveyance, executed by said marshal, under his hand and seal, in the presence of two or more subscribing witnesses, and duly acknowledged and recorded in due form, may be given in evidence in the same manner and with the like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, and shall be *prima facie* evidence that the sale and all the proceedings therein prior to such sale were regular, according to the provisions of this act and the ordinances of such village; and when such deed shall have been on record for two years in the office of the register of deeds of said county of Shiawassee, it shall be conclusive evidence of the title in the person to whom such real estate was sold, his heirs or

assigns, unless it shall appear that the tax for which the land was sold had been duly paid, or that said land was not liable to taxation at the time such tax was assessed; all personal property sold for taxes in said village shall be sold in such manner as the by-laws and ordinances of the village shall prescribe; and whenever any lands shall not be bid off, or cannot be sold for the delinquent taxes aforesaid, they may be bid in for the said village, by the treasurer thereof, in the same manner as is provided by law for the sale of lands to the State by the Auditor General and treasurers of the several counties of this State; and the treasurer of said village is authorized to sell said lands in the same manner as is provided by law for the sale of State tax land; and upon the presentation of such treasurer's certificate of such sale, the marshal shall execute to such purchaser, when the time of redemption herein provided shall have expired, a deed, in the same manner as the Auditor General is authorized by the laws of this State, and with the like effect, as is provided herein for other tax deeds.

Sec. 24. Whenever the assessor of said village shall have completed the assessment roll and valuation of the property, real and personal, in said village, it shall be his duty to give notice thereof, by publishing in a newspaper printed in said village, by at least two insertions, or posting up the same in three of the most public places in said village, stating the place where said roll is left for the inspection of all persons interested, and of the time when, and the place where he will meet to hear the objections of any persons interested, to the valuation made by him; and at the time so appointed, the assessor shall be present at such place, and on the application of any person considering himself aggrieved, may review and reduce the said valuation, on sufficient cause being shown upon oath, to the satisfaction of said assessor; and if any person or persons shall conceive himself or themselves aggrieved by the final decision of the said assessor, they shall have the right of appealing from such decision at

Sale of personal property for taxes.

Village may bid off lands.

Notice of completion of assessment roll.

Review of rolls.

Appeal.

any time within ten days thereafter, to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, as aforesaid, to reduce said valuation.

Tax Roll.

Sec. 25. It shall be the duty of the common council to make or cause to be made out by the clerk, a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual, within the limits of said village, which duplicate shall be signed by the president and clerk, or in case of their absence, or the absence of either of them, by any two members of the common council, and delivered to the marshal, whose duty it shall be to collect the same within such time, and in such manner, as the by-laws and ordinances of the village shall direct.

Taxes to be paid over to treasurer.

Sec. 26. All moneys to be raised by tax in said village shall be collected by the marshal, and paid over by him to the treasurer, as shall be prescribed by the by-laws and ordinances of said village: *Provided, however,* That the highway rolls may be collected by the street commissioners, who, for that purpose, are hereby vested with all the powers of overseers of highways, under the laws of this State, and such powers as may be conferred upon them by the by-laws and ordinances of the village.

Highway roll.

Street commissioner. Duties of.

Sec. 27. The street commissioner or commissioners appointed under the provisions of this act, shall superintend and direct the making, planking, repairing and opening all streets, lanes, alleys, side-walks, highways or bridges, within the limits of said corporation, in such manner as they may, from time to time, be directed by the common council; also establish the line upon which buildings may be erected, and beyond which such buildings shall not extend.

Fire companies.

Sec. 28. The common council shall have power to establish and organize all such fire companies, and hose and hook and ladder companies, and provide them with engines and other instruments as shall be necessary to extinguish fires, and preserve the property of the inhabitants of said village from conflagrations; to appoint, from among the inhabitants of said village, such number of men, willing to accept, as may be deemed proper

and necessary to be employed as firemen: *Provided*, Such number does not exceed fifty in the management of one engine; and such fire, hose, and hook and ladder company shall have power ^{Powers of} to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council, and they may impose such fines for non-attendance or neglect of duty of any of its members as may be established by such by-laws and regulations of every such company; and every person belonging to such company shall obtain from the clerk of said village, a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as such, shall be exempt from serving ^{Exemptions of members} on juries, and working a poll-tax on the streets and highways of said village; and it shall be the duty of every fire company to keep in good and perfect repair the fire engines, hose, hooks and ladders, and other instruments of such company; it shall be ^{Duties of} the duty of each fire company to assemble at least once in each month, or as often as may be directed by said common council, for the purpose of working or examining said engine and other instruments, with a view to their perfect order and repair, and the fire department shall, in all respects, be under the control and government of the common council, and shall obey all by-laws and ordinances of the village, under such penalty as shall be prescribed therein.

Sec. 29. Upon the breaking out of any fire in said village, ^{Duties of marshal in case of fire.} the marshal shall immediately repair to the place of such fire, and aid and assist as well in extinguishing said fire as in preventing any goods from being stolen, and also removing and securing the same, and shall in all respects be obedient to the, president, clerk and trustees, or either of them, who may be present at the fire.

Sec. 30. This act shall be deemed a public act. All acts done, ^{Public act, Acts, etc., heretofore done to remain in force.} rights accrued or acquired, or proceedings had or commenced by virtue of the organization of the present village of Corunna, under the general laws of this State, and in pursuance of an act entitled "an act relative to the incorporation of the village

of Corunna, in the county of Shiawassee," approved February 15th, 1859, are hereby saved and secured, and all rules, by-laws and ordinances of the village, under said organization and act, not inconsistent with the provisions of this act, or the laws of this State, shall continue in force until repealed by the common council, and all officers elected or appointed under said act shall continue to hold their offices during their term, or until their successors are elected and qualified, according to the provisions of this act.

Act repealed Sec. 31. The act entitled "an act relative to the incorporation of the village of Corunna, in the county of Shiawassee," approved February fifteenth, eighteen hundred and fifty-nine, is hereby repealed.

Sec. 32. This act shall take immediate effect.

Approved March 7, 1863.

[No. 61.]

AN ACT to authorize the building of a bridge across the Menominee river, and to appropriate six sections of swamp lands to the county of Menominee for the purpose of building the same.

SECTION 1. *The People of the State of Michigan enact,* That an appropriation of six sections of swamp lands, not otherwise appropriated, (subject to the provisions of the act of Congress granting the same,) be and is hereby made to the county of Menominee, for the purpose of building a bridge across the Menominee river, in the said county, to connect the State road from the Menominee river, to Little Bay du Nocquet, to the State road from Green Bay, in Wisconsin, to the Menominee river.

SECTION 2. The commissioner of the State roads appointed by the Governor for said county of Menominee, under the act number two hundred and twenty-seven, of the session laws of eighteen hundred and sixty-one, approved March thirteenth, eighteen hundred and sixty-one, is hereby authorized, in conjunction

with the supervisors of the town of Marinette, in Oconto county, Wisconsin, or other proper officers in Wisconsin, to build a bridge across said Menominee river, at any point between the rapids known as the old water mill rapids, and the mouth of the river, and to connect the State roads therewith, which shall be a public highway; but if such bridge shall be built below the dock of the mill of I. Stephenson and company, the said commissioner shall cause a good draw or swing bridge to be built, so that steamboats and vessels shall not be obstructed in their passage up said stream, to that point: *Provided*, That such bridge shall in no way interfere with the free navigation of said Menominee river.

Sec. 3. The said commissioner is hereby authorized to select the said six sections of land in legal subdivisions of forty acres and upwards, from any of the swamp lands owned by the State, and not otherwise appropriated, in said county; and upon such selection being made, to deposit a correct description of such lots, certified by him, with the register of deeds of said county, who shall enter the same on the records of said county, and shall furnish the Commissioner of the Land Office with a true copy of the same, who shall cause the same to be withdrawn from market: *Provided*, No lot upon which any person shall have any permanent improvements shall be selected for that purpose.

Sec. 4. The said commissioner of State roads shall advertise such lands for sale in a newspaper published in the State, the county nearest to said lands in which a newspaper is published, and also in a newspaper published in Oconto county, Wisconsin, which advertisement shall state the time, place and object of such sale, with a description of the lands to be sold, and shall be for at least six weeks previous to the time of such sale, and at the time of such sale shall offer the same for sale, and sell the same at public vendue, in lots according to their legal subdivisions, to the highest bidder for cash; but none of such lands shall be sold for less than one dollar per acre.

Sec. 5. The money received upon such sales shall be depos-

Money received to be with county treasurer.

ited with the county treasurer of said county, to be drawn upon by said State road commissioner, to pay the necessary expenses for building and keeping up of such bridge, and for no other purpose whatsoever.

Lands may be sold to contractors.

Sec. 6. If in the opinion of the State road commissioner and the board of supervisors of said county, the said lands can be sold directly to the contractors who shall undertake the building of such bridge, at a higher price than they will bring in money, then the board of supervisors shall make a record of their decision thereon, and the said commissioner may contract to pay for the building of such bridge in lands; but no lands shall be contracted at a less price than one dollar per acre, and no conveyance of the same shall be made until such contract is completed and accepted by the commissioner and board of supervisors of the county, who are hereby appointed a board of examiners, to examine and determine as to the performance of any contract let for the purpose of building the bridge aforesaid.

Minimum price.

Commissioner to advertise for proposals.

Sec. 7. It shall be the duty of the State road commissioner to advertise in the newspapers aforesaid, for sealed proposals for building such bridge, on specifications furnished by him; and such letting shall be to the lowest responsible bidder.

When patents for lands shall issue.

Sec. 8. Upon the sale of the lands, as aforesaid, or upon the fulfillment of the contracts, if the same be contracted as aforesaid, the Commissioner of the State Land Office shall cause deeds to be made from the State to the purchaser or purchasers of said land, or to the contractors, as the case may be, upon a report first to be made to him by the said commissioner and the county board of supervisors, certifying that said bridge is completed in accordance with the terms of said contract; and if said bridge shall be built without expending all of said lands, the balance remaining unexpended shall be conveyed to the board of supervisors of said county, in trust, for the use of said bridge, for the purpose of keeping the same in repair.

Surplus lands, if any, how disposed of.

Location and plan of bridge.

Sec. 9. The location and plan of said bridge shall be determined by the said commissioner and county board of supervi-

sors of said county, acting jointly with the town board of supervisors of the town of Marinette, in the county of Oconto, and State of Wisconsin; and no money shall be expended, or contract let, until such determination is made.

Sec. 10. All acts and parts of acts contravening this act are declared inoperative and void, so far as the same shall conflict with this act. Acts declared void.

Sec. 11. This act shall take immediate effect.

Approved March 7, 1863.

[No. 62.]

AN ACT authorizing a change in the boundaries of the village of Romeo, in the county of Macomb.

SECTION 1. *The People of the State of Michigan enact*, That the corporation of the village of Romeo, in the county of Macomb, are hereby authorized to alter the bounds of said village by vacating the east half of the north-east quarter of section two, in the township of Washington, and the east half of the south-east quarter of section thirty-five, in the township of Bruce, in said county, and including within said corporation the east half of the north-east quarter of section three, in said township of Washington, and the east half of the south-east quarter of section thirty-four, in [said] township of Bruce. Boundaries of corporation.

Sec. 2. This act shall take immediate effect.

Approved March 7, 1863.

[No. 63.]

AN ACT to amend an act entitled "an act to incorporate the city of Ann Arbor," approved April fourth, eighteen hundred and fifty-one.

SECTION 1. *The People of the State of Michigan enact*, That the following be added to "an act to incorporate the city of Ann Arbor," approved April fourth, eighteen hundred and fifty-one, and to stand as section fifty-nine of said amended act: Section added.

Powers of
common
council rela-
tive to side-
walks.

Sec. 59. The common council shall have power to provide for keeping clear, repairing and renewing, when necessary, all side-walks that are now made, or may hereafter be made, planked or paved within the city of Ann Arbor, and to make rules and ordinances to require the respective owners or occupants of real estate in said city, having a side-walk in front thereof, to keep it clear and in good repair, or renew, when necessary, the side-walk in front of the premises owned or occupied by them respectively; and the common council shall have power to provide for enforcing, by fine or otherwise, the repair, clearing or renewing the side-walks against the owner or occupant, whose duty it is to repair, clear or renew the same, and may prescribe the time and manner of notifying and requiring persons to clear, repair or renew such side-walks, preparatory to imposing fine or penalty, and the manner of imposing, levying and collecting any such fine or penalty; and may prescribe the manner of assessing, levying and collecting from the person or persons liable to pay from their goods and chattels, or by sale or lease for years, of the premises, in front of which such side-walk shall be; and if by reason of the neglect of the owner or occupant, whose duty it may be at the time, to clear, repair or renew, the same shall have been cleared, repaired or renewed by or under the direction of the proper city officers, the expense of such clearing, repairing or renewing, with the cost and expenses of clearing the same.

Sec. 2. This act shall take immediate effect.

Approved March 7, 1863.

[No. 64.]

AN ACT to authorize the city of Saginaw to raise money to aid in the construction of the Amboy, Lansing and Traverse Bay railroad.

Loan and
issue of
bonds au-
thorized.

SECTION 1. *The People of the State of Michigan enact, That the mayor, recorder and aldermen of the city of Saginaw shall be and they are hereby authorized and empowered to borrow*

money on the faith and credit of said city, and issue bonds therefor, to the amount not exceeding forty thousand dollars, which shall be expended in aiding in the construction of the Amboy, Lansing and Traverse Bay railroad: *Provided*, That a *Proviso*. majority of the property holding tax payers of said city, being electors therein, shall vote for such loan, in the manner herein-after specified, and not otherwise.

Sec. 2. The question of raising said money by loan, shall be submitted by the common council of said city to the electors thereof, qualified as aforesaid, and the vote shall be taken, as near as may be, in accordance with the provisions of section eighty-four of an act entitled "an act to revise and amend the charter of the city of Saginaw," approved February fifth, eighteen hundred and fifty-nine.

Sec. 3. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums, not exceeding the amount hereinbefore limited, and payable at such times, with such rate of interest, not exceeding ten per centum, as the common council shall direct, and shall be signed by the mayor and countersigned by the recorder, and sealed with the seal of said city, and negotiated by and under the direction of the common council; and the money arising therefrom shall be appropriated in such manner as said council shall determine for the purpose hereinbefore mentioned; and the said common council shall have power, and it shall be the duty, to raise by tax upon the taxable property of said city, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

Sec. 4. This act shall take immediate effect.

Approved March 7, 1863.

[No. 65.]

AN ACT to authorize the commissioners of highways in the township of Metamora, in the county of Lapeer, to re-survey and locate the territorial road across section sixteen, in the said township.

Re-survey and location of authorized. SECTION 1. *The People of the State of Michigan enact*, That the commissioners of highways of the township of Metamora, in the county of Lapeer, be and they are hereby authorized to re-survey and locate the territorial road across section sixteen, in said township, and to file a copy of said survey and location in the office of the township clerk of said township; and the said township clerk is required to record the same in the book of records of highways, the same as in cases of roads laid out by **Proviso.** commissioners of highways for townships: *Provided*, That the State shall not be liable for any expense in surveying, laying out, or right of way for said road.

Approved March 7, 1863.

[No. 66.]

AN ACT to amend chapter one hundred and eleven of the compiled laws, entitled "of masters, apprentices and servants."

Section amended. SECTION 1. *The People of the State of Michigan enact*, That chapter one hundred and eleven of the compiled laws be so amended that section two of said chapter, being section three thousand three hundred and thirty-nine of the compiled laws, shall read as follows:

3339. Such consent shall be given—

Consent, by whom given. *First.* By the father of the infant. If he be dead, or be not in a legal capacity to give his consent, or if he shall have abandoned and neglected to provide for his family, and such fact be certified by a justice of the peace of the township, and endorsed on the indenture; then

Second. By the mother. If the mother be dead, or be not in a legal capacity to give such consent, or refuse; then

Third. By the guardian of such infant, duly appointed. If

such infant have no parent living, or none in a legal capacity to give consent, and there be no guardian; then

Fourth. By any two justices of the peace of the township where such infant shall reside;

Fifth. By the recorder of any city in the county, or by the circuit judge of such county.

Sec. 2. Also that section three thousand three hundred and forty-two of said chapter, shall be so amended as to read as follows: Section amended.

3342. The county superintendents of the poor in the several counties, or the recorder of any city of the county, or the circuit judge of such county, and upon the relation of any person, they, or either of them, are hereby authorized and required to institute inquiry, and to examine witnesses on oath, as to the merits of the case, and shall keep a record of proceedings, and file the same in the county clerk's office, and may bind out any child, under the ages above specified, who shall be sent to any county poor-house, or who is or shall become chargeable, or whose parent or parents shall become chargeable to such county, to be clerks, apprentices or servants, until such child, if a male, shall be twenty-one years old, and if a female, shall be eighteen years old, or until her marriage within that age, which binding shall be as effectual as if such child had bound himself or herself, with the consent of his or her father. When superintendents of a poor, etc., may bind minors.

Sec. 3. That section twenty-five of said chapter, being section three thousand three hundred and sixty-two of the compiled laws, be amended so as to read as follows: Section amended.

3362. An indenture of apprenticeship or service, made in pursuance of this chapter, by or in behalf of a minor, may be made either with a woman or man capable in law of contracting; and all the foregoing provisions shall apply as well to mistresses as to masters; and the recorder of any city of the county, or the circuit judge of such county, may permit and order the transfer of such indentures as are authorized in this chapter, when, upon sufficient proofs and hearing, such officer shall be satisfied such transfer will be for the interest of Preceding provisions to apply to mistresses.

Proviso. such minor: *Provided*, The consent of the minor shall first be given to such transfer, if at the time of such transfer such minor be of the age of fourteen years.

Sec. 4. This act shall take immediate effect.

Approved March 7, 1863.

[No. 67.]

AN ACT to legalize the action of townships, cities and counties, in raising bounties for volunteers.

Tax, etc., heretofore raised, declared valid SECTION 1. *The People of the State of Michigan enact*, That whenever any township, county or city in this State, has voted money or raised a tax, or has hired money or issued bonds for the purpose of paying bounties for volunteers in the military service of the United States, such action shall be deemed legal and valid, and the money or tax so voted, raised or hired, shall be deemed to have been legally voted, raised or hired, and shall be a proper and lawful charge upon the county, township or city so voting, raising or hiring the same, and shall be paid in the same manner as other charges for ordinary expenses are paid; and the obligations made, or to be made, to secure the payment, or evidence the indebtedness of the money so raised or hired, shall be deemed valid and binding upon said township, city or county; and the tax rolls for the collection of the tax so as aforesaid raised or voted, shall be deemed and are hereby declared to be legal and valid, so far as said tax is concerned.

Electors may determine the sums paid to be claims against cities, etc.

Sec. 2. The qualified electors in each organized township, or ward of any incorporated city of this State, may determine by a vote, by ballot, at the annual township meeting in the year eighteen hundred and sixty-three, or at any subsequent legal meeting in the year eighteen hundred and sixty-three, ten days notice being given of the vote for said tax to be voted upon, by posting such notice in at least three public places in each township, and in each ward of said cities, which notice is hereby required to be given by the township clerk of townships,

and recorder or city clerk of cities, that sums paid, advanced or pledged by any individual, or by the inhabitants of such township or city, and the interest on money borrowed for such purpose, as a bounty or bounties to volunteers enlisted into the military service of the United States, since July first, A. D. eighteen hundred and sixty-two, and previous to the passage of this act, and any sum that the qualified electors thereof may determine, shall be raised, to be paid as a bounty or bounties to volunteers enlisted as aforesaid, may be allowed and paid as claims against said township or city; and it shall be the duty of the township clerk of said townships, and the city clerk of said cities, to ascertain, prior to any such meeting, as near as may be, the sums to be so authorized to be raised, and submit the same at the opening of the polls, to the electors, and keep the same during the meeting, open for their inspection.

Sec. 3. Those voting for the allowance and payment of such claims as mentioned in the preceding section, shall have written or printed upon their ballots "for refunding the bounty," and those voting against such allowance, shall have written or printed upon their ballots "against refunding the bounty;" and the ballots shall be received, disposed of and canvassed, and the result declared by the board of inspectors of election, in the same manner as is by law provided for receiving and canvassing the votes, and declaring the result, at the annual city or township elections.

Sec. 4. It shall be the duty of the township board in any township, and the common council in any city, in which it shall have been determined, as specified in the two preceding sections, in favor of allowing and paying the claims mentioned therein, to audit and allow all claims which may be presented for that purpose, for money actually paid by such claimant or the person he may represent, or which may be due as a bounty to volunteers for enlisting in the military service of the United States, since the first day of July, A. D. eighteen hundred and sixty-two, and previous to the passage of this act, which allowance shall be made in the same manner as other ordinary claims are allowed, upon satisfactory proof that such claim is just and

Manner of
voting.

Canvass and
declaration
of vote.

Claims to be
audited.

Private sub-
scriptions
not to be
refunded.

proper; but nothing herein contained shall authorize the re-pay-
ment to any person or persons of any moneys paid as a bounty,
or as an inducement to others to enlist, unless such payment
shall be made from a general subscription or loan in the town-
ship or ward, and paid over to a township or city officer, or
some other person or persons informally authorized, as afore-
said, to receive and pay the same, and with the understanding
among the persons subscribing or loaning the same, that the
amount should be refunded whenever the township or ward
should be authorized so to do; and no payment of bounty shall
be made, under the authority of this act, to any commissioned
officer in such service.

Bounty not
to be paid
commission-
ed officers.

Claims
audited, a
charge
against city,
&c.

Sec. 5. Such claims, when audited and allowed, as specified
in the preceding section, shall be a lawful charge against such
township or city, the same as other claims audited by the town-

Payment of.

ship board or common council, and shall be paid in the same
manner, and on like orders, as ordinary expenses are paid; and
taxes to pay the same shall be raised or voted in the same man-
ner as funds are now raised or voted to pay the ordinary
expenses of the township or city; and the same shall be treated
and regarded, in all respects, not herein otherwise provided, as
other claims allowed against the township or city are regarded
and treated.

Tax there-
for, how
raised.

Provisions
for the pay-
ment of
bounties
heretofore
paid or
pledged.

Sec. 6. That whenever any board of supervisors of any
county, township board of any township, or common council of
any city, or any committee regularly appointed at a public
meeting of the citizens of any county, township or city, has
solicited subscriptions from the people for the purpose of pay-
ing bounties for volunteers in the service of the United States,
and has pledged the faith of such board or council, or the mu-
nicipal corporation represented by such board, to refund the
amount of such subscriptions to the individuals making the
same when such county, township or city should thereafter be
lawfully authorized thereto, or where said boards have pledged,
by resolution, that any bounties should be paid whenever they
should be authorized by law to raise and pay the same, it shall

be lawful for the board of supervisors of such county, the township board of such township, or the common council of such city, at any regular meeting held at any time hereafter, to provide for the re-payment of such subscriptions, by the issue of the bonds of such county, township or city, or by raising a sufficient sum for such purpose, by tax on the taxable property of such county, township or city, in the year eighteen hundred and sixty three, to be levied and collected in the same manner as county, township or city taxes, or by raising a portion in said year eighteen hundred and sixty-three, and the remainder in subsequent years, as such board or council may determine: *Provided*, That in case where any committee, regularly appointed, at a public meeting of the citizens of any county, township or city, has solicited subscriptions from the people, for the purpose of paying bounties for volunteers in the service of the United States, the board of supervisors, the township board or common council, shall not provide for the re-payment of such subscriptions until the qualified electors of said county, township or city, shall so determine by vote, according to the provisions of section two of this act.

Sec. 7. The time for collecting the taxes for the year A. D. eighteen hundred and sixty-two, mentioned in the first section of this act, is hereby extended to the last Monday of March next; and in such case the treasurer of the township, or collector of the city, shall pay over all moneys collected during the lifetime of his warrant, as now provided by law, and shall renew his official bond to the satisfaction of the county treasurer of such county.

Time for the collection of taxes extended.

Sec. 8. This act shall take immediate effect.

Approved March 7, 1863.

[No. 68.]

AN ACT to change the time of holding the election for State and county officers in the Upper Peninsula, and to repeal the existing law on that subject.

Election, time of. SECTION 1. *The People of the State of Michigan enact, That* in the year eighteen hundred and sixty-four, and every two years thereafter, the election for all State and county officers in the Upper Peninsula, shall be held on the Tuesday succeeding the first Monday in November, and shall be conducted, in all respects, in accordance with the law relative to holding general elections.

Act repealed. Sec. 2. The act entitled "an act to provide for holding general elections in the Upper Peninsula," being section one hundred and thirty-four, of chapter six, of the compiled laws, be and the same is hereby repealed.

Returns of elections. Sec. 3. The returns of elections in the Upper Peninsula shall be made at the several places, and within the same period of time, after the day of election, as is now provided by law for making election returns in the Upper Peninsula.

Approved March 7, 1863.

[No. 69.]

AN ACT to amend section fifteen, chapter one hundred and fifty, of the revised statutes, the same being section fifty-six hundred and fifty-one, chapter one hundred and seventy-five, of the compiled laws, in relation to the fees of justices of the peace in civil cases.

Section amended. SECTION 1. *The People of the State of Michigan enact, That* section fifteen, chapter one hundred and fifty, of the revised statutes, the same being section fifty-six hundred and fifty-one, chapter one hundred and seventy-five, of the compiled laws, be so amended as to read as follows:

Fees. Sec. 15. For a summons, warrant or venire, fifteen cents;
For trying each cause, one dollar;
For issuing a writ of replevin or attachment, twenty-five cents;

For entering any cause upon the docket, after return of process, and for making all other entries upon the docket in any cause not otherwise provided for, twenty-five cents;

For each subpoena, not exceeding four, ten cents;

For swearing a jury, ten cents;

For swearing each witness in a cause, five cents;

For entering every final judgment, twenty-five cents;

For issuing execution, twenty-five cents;

For every continuance or adjournment at the request of a party, fifteen cents;

For drafting any bond or recognizance, requisite in any cause before a justice of the peace, thirty-five cents;

For approving of any bond or recognizance, ten cents;

For administering any oath and affixing jurat, when required, in cases not otherwise provided for, ten cents;

For reducing the evidence, objections to evidence, and exceptions taken by either party to writing, upon the trial of any cause, when requested by either party, ten cents for each folio;

For making and filing return upon appeal, one dollar;

For taking depositions, examinations or confessions, ten cents for each folio;

For entering a discontinuance or satisfaction, ten cents;

For entering every assignment of a judgment, fifteen cents;

For entering an amicable suit, fifteen cents;

For appointing appraisers of estates of deceased persons, fifteen cents in each case;

For marrying and making return thereof, two dollars;

For taking acknowledgment of a deed or other instrument, twenty-five cents for each person acknowledging;

For making a certified transcript of any judgment, and of the proceedings in any cause, fifty cents;

For certifying cause to the circuit court on plea of title, fifty cents;

For making return on certiorari, two dollars.

And no justice of the peace shall receive any other fees or

compensation for any services rendered in any civil cause, than such as is hereinbefore provided.

Approved March 7, 1863.

[No. 70.]

AN ACT to amend chapter one hundred and nine of the revised statutes of eighteen hundred and forty-six, in relation to partition of lands, being chapter one hundred and thirty-five, of the compiled laws, by adding four new sections thereto.

SECTION 1. *The People of the State of Michigan enact, That*
Sections added. chapter one hundred and nine of the revised statutes of eighteen hundred and forty-six, being chapter one hundred and thirty-five of the compiled laws, be and the same is hereby amended by adding four new sections thereto, to stand as sections eighty-three, eighty-four, eighty-five and eighty-six, as follows:

Act applicable to lands held by trustee. Sec. 83. The provisions of this act shall be applicable to lands held by a trustee for the benefit of parties having a beneficial interest therein, and the proceedings for a partition may be instituted by the trustee, or any party interested in the lands so held, and shall be regulated by the provisions of this act, except as is hereinafter provided.

When courts may divide lands among heirs, etc. Sec. 84. Where the original parties in interest in said trust, or any of them, may have departed this life, leaving heirs or legatees, or others interested by title or right through them or any of them in said lands, it shall be competent for the court, at its discretion, to divide the said land by decree, among the said heirs, legatees or others representing the interests of the deceased therein, so as to set off the interest of all such parties together, without subdivisions among them.

Interest may be set off in a body without subdivision. Sec. 85. In any case where it may be deemed expedient to decree that the interest which may have belonged to any deceased party shall be set off in a body, without subdivision to those claiming under him, it shall be sufficient to provide by the decree that such parcel or interest shall be set off to the heirs, assigns, or those legally entitled under or through the party

originally interested, who may have deceased, mentioning his name in the decree.

Sec. 86. In all cases where the original parties in interest are fully known, but where, by death, legal proceedings, or by other operations of law, it has become uncertain who are the present parties in interest, it shall be competent and lawful to separate the portion or interest in such lands, originally owned by said parties, in the manner provided in the foregoing sections, instead of leaving it with land undivided as belonging to unknown owners, and such divisions and decree shall operate to convey the title to those claiming under said party, according to their legal rights, whatever they may be.

Partition where original parties in interest are fully known.

Approved March 7, 1863.

[No. 71.]

AN ACT to amend an act entitled "an act to amend an act entitled an act to authorize proceedings against garnishees, and for other purposes," approved March twenty-eight, A. D. eighteen hundred and forty-nine, being chapter one hundred and forty-one, of the compiled laws.

SECTION 1. *The People of the State of Michigan enact*, That section five, of chapter one hundred and forty-one, of the compiled laws, is hereby amended so as to read as follows:

Section amended.

Sec. 5. The personal service of a summons upon such garnishee shall be deemed the commencement of suit in the name of the plaintiff against such garnishee, which summons may be served in the same or any adjoining county in this State, and require the appearance of such garnishee before such justice, at his office, in the same or any adjoining counties in this State, and a constable or sheriff of either county may serve the same: *Provided*, The lawful fees for travel and attendance shall be paid or tendered to such garnishee at the time of such service, and such suit may be entered on the docket as suits in other cases: *Provided further*, That such summons shall not be

Service of summons the commencement of suit.

Fees for travel.

served in any other county than that where such suit is commenced, in any of the counties of the Upper Peninsula.

Approved March 7, 1863.

[No. 72.]

AN ACT to amend section eight hundred and seventy-two of the compiled laws.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section eight hundred and seventy-two, of the compiled laws be amended so as to read as follows:

Loss of cer-
tificate.

Sec. 872. In case of the loss of such certificate of sale, the purchaser, or his legal representative or assignee, may file his affidavit of such loss, and that he was, at the time of such loss, the *bona fide* and legal holder thereof, and the Auditor General shall thereupon execute, as aforesaid, a deed for the lands described in such certificate, if the same shall not have been redeemed, in the same manner as though it had been presented and surrendered; and if the same shall have been redeemed, on the presentation of such affidavit, the money shall be paid to such person in the same manner as though the certificate of sale had been surrendered. Any person who shall make an affidavit, as above required, or concerning any other matter which may be filed in the office of the Auditor General, shall be liable to the penalties of perjury for any false statement made in such affidavit with intent to defraud, upon conviction thereof before a court having jurisdiction of the offense.

Approved March 7, 1863.

[No. 73.]

AN ACT to amend section one of an act entitled "an act to provide for the appointment of circuit court commissioners in cases of vacancy," approved February second, eighteen hundred and fifty-five, being section three thousand nine hundred and ninety-eight, of the compiled laws.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "an act to provide for the appointment of circuit court commissioners in cases of vacancy," approved February second, eighteen hundred and fifty-five, being section three thousand nine hundred and ninety-eight, of the compiled laws, be amended so as to read as follows:

Sec. 1. *The People of the State of Michigan enact*, That whenever a vacancy shall occur for any cause, in the office of circuit court commissioner of any county, the judge of probate, prosecuting attorney and county clerk, or a majority of them, of the proper county, may fill such vacancy by the appointment of a person eligible to such office, who shall, upon taking the official oath and executing and filing the bond required by law, be authorized and required to discharge all the duties of circuit court commissioner, and shall be liable to all the provisions of law touching said office, and who shall hold the same until a successor shall be duly elected and qualified.

Approved March 7, 1863.

[No. 74.]

AN ACT supplementary to an act entitled "an act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches," approved March fifteenth, eighteen hundred and sixty-one.

SECTION 1. *The People of the State of Michigan enact*, That it shall and may be lawful for the commissioner now or hereafter to be appointed for the Portage river State road, in case he shall find that the marshes and low lands along the line of said Portage road may be more certainly and economically drained by clearing the obstructions from the said Portage river, and

Proviso

Expense
limited.

from Grand river below its mouth, or by shortening the course of either of said rivers, or by any other means, to let contracts to one or more persons to do the work required for such purpose, payable in the manner provided for the payment of contracts for swamp land roads: *Provided*, He shall first have submitted plans and estimates of the work to be done to the Governor of the State, and have obtained his approval of such plan: *And provided further*, That the expense of such work shall not exceed the amount of lands appropriated for such purpose, by an act entitled "an act to provide for the drainage and reclamation of swamp lands, by means of State roads and ditches," approved March fifteenth, eighteen hundred and sixty-one.

Sec. 2. This act shall take immediate effect.

Approved March 7, 1863.

[No. 75.]

AN ACT to amend section forty-one hundred and fifty-nine of the compiled laws.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four thousand one hundred and fifty-nine of the compiled laws, be amended so as to read as follows:

When assignee of chose in action may sue in his own name, etc.

Sec. 4159. The assignee of any bond, note or other chose in action, not negotiable under existing laws, which has been or may be hereafter assigned, may sue and recover the same in his own name, upon such bond, note or other chose in action; and the defendant in all such suits may set up and avail himself of any defense he may have, arising before due notice of such assignment, and which accrued prior to such action, in the same manner and with the like effect as if the assignor had prosecuted the same in his own name.

Approved March 7, 1863.

[No. 76.]

AN ACT to lay out and establish a State road from Lamont, via. Storrs' mills, to Zealand, all in Ottawa county.

SECTION 1. *The People of the State of Michigan enact, That* Miner Hedges, C. L. Storrs and John Boer, of Ottawa county, Commissioners. be and hereby are appointed commissioners to lay out and establish a State road from the village of Lamont, via. Storrs' mill, in Blenden, to Zealand, in Ottawa county.

Sec. 2. It shall be the duty of said commissioners, within Duties of commissioners. six months, to lay out and establish said road, and cause the same to be surveyed, and a description thereof to be filed with the township clerk of each township through which said road may be laid, so far as said road shall run through each of said townships, whose duty it shall be to record the same, and such record shall be *prima facie* evidence of the existence of said road.

Sec. 3. It shall be the duty of the commissioners of high- Commissioners of highways, duties of. ways in any organized township through which said road shall pass, to open and work the same in the same manner, and by virtue of the same laws, as township roads are required to be opened and worked.

Sec. 4. That in all cases in which damages may be claimed by Proceedings when damages are claimed. reason of laying out of said road, the same proceedings shall be had thereon as may be required by the laws in force, at the time such claim is made, for the assessment of damages in case of roads laid out by township commissioners of highways.

Sec 5. The right of way for any such road through any Right of way granted through State lands. lands belonging to the State is hereby granted and conferred to the township in which such land may lie.

Sec. 6. The commissioners named in this act shall receive Compensation of commissioners. each one dollar per day, which, together with the cost of survey, and all damages, shall be paid by the respective townships Payment of through which said road shall pass: *Provided, That* no township shall be liable for any expense incurred in any other township.

Sec. 7. All the non-resident highway tax, not otherwise appro-

Non-resi-
dent high-
way tax.

priated, that may be assessed in the year eighteen hundred and sixty-three, and two years thereafter, upon the lands described and put down in the assessment rolls of the several years respectively as non-resident lands, the greater part of any legal subdivision of which, not more than forty acres, shall be within two miles of the center of said road, shall be appropriated and expended for the improvement of the said road.

Sec. 8. This act shall take immediate effect.

Approved March 7, 1863.

[No. 77.]

AN ACT to re-incorporate the village of Buchanan, and to repeal all inconsistent acts and parts of acts.

SECTION 1. *The People of the State of Michigan enact, That*
Boundaries all that tract of country situated in the county of Berrien, and in the State of Michigan, being in township number seven (7) south of range number eighteen (18) west, and described as follows, viz: the south-west quarter of section twenty-five, (25,) the south half of the south-east quarter of section twenty-six, (26,) the east ten acres of the north-west quarter of the south-east quarter of section twenty-six, (26,) the north-east quarter of the south-east quarter of section twenty-six, (26,) the south-east quarter of the south-west quarter of section twenty-six, (26,) the north-east quarter of the north-west quarter of section thirty-five, (35,) the north-east quarter of section thirty-five, (35,) the west half of the north-west quarter of section thirty-six, (36,) and also that portion of the north-east quarter of the north-east quarter of section thirty-five, (35,) known as Stephen Hober's addition to the village of Buchanan, be and the same is hereby constituted a village corporate, under the name of the village of Buchanan.

Village officers, election of.

Sec. 2. The electors of said village shall meet on the second Tuesday in March, one thousand eight hundred and sixty-three, at such place as shall be designated by the president and trustees, and there, by ballot, shall elect, by a plurality of votes

one person to be president of said village, and three persons shall, in like manner, be elected trustees for one year, and three for two years; and one person also, shall be elected marshal; and annually thereafter a president and marshal shall be elected as aforesaid, who shall hold their respective offices for one year; and three trustees shall be elected, who shall hold their offices for two years; but if an election of president and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act, for the holding of the regular election. The president and three trustees thus elected, together with three trustees whose term of office is unexpired, shall constitute a village board, and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The president shall also be the chief executive officer of the village; he shall preside at the meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of his absence or inability to serve, the trustees shall have power to elect from their own number a president *pro tem.*, who shall have all the powers, and perform all the duties, of the president.

Sec. 3. It shall be the duty of the clerk to give at least five days notice of the time and place of holding an election, either by posting written or printed notices in five of the most public places in said village, or by causing the same to be published in some paper printed in the village; and at all the elections the polls shall be opened at nine o'clock in the forenoon, or soon thereafter as may be, and closed at four o'clock in the afternoon; and at the close of the polls the ballots shall be counted, and a true statement thereof proclaimed to the electors present; and the clerk shall make a true record thereof, and within five days give notice to the persons elected, who shall enter upon their duties the ensuing Monday.

Judges and
clerk of
election.

Sec. 4. Any two of the trustees may be judges of the election and the clerk of the village, or his substitute, shall be clerk of the election; and the judges and clerk shall take an oath, to be administered by either of the others, to faithfully and honestly discharge their duties as judges or clerk of election; and the board shall have such power to preserve the purity of the election as is now or may be hereafter given to township boards of election.

Oath of
office.

Sec. 5. The president and every other officer elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, which may be administered by any trustee, or any other person authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully and impartially discharge the duties of his office according to the best of his ability, a record of which oath shall be made and kept by the clerk; and it shall be the duty of the president and trustees, on their being duly qualified, to appoint a village clerk, who shall hold his office one year, unless sooner removed by them, who shall attend all meetings of the board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws and ordinances of the village.

Village
clerk, duties
of.

Body corporate and
politic.

Sec. 6. The president and trustees of said village shall be a body corporate and politic, with the same powers as township boards, in addition to those granted by this act, under the name of president and trustees of the village of Buchanan, and may

Seal.

have a common seal, which they may alter at pleasure; and

Powers and
liabilities of

may purchase and hold real estate for the use of said village, and at any time sell and convey the same; and may sue and be sued, defend and be defended in any court; but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president of the village at least six days before the return day thereof: *Provided, That in case such summons*

cannot, for any reason, be served on the president, it may be served on any one of the trustees.

Sec. 7. The president and trustees shall have power to ordain *By-laws* and establish by-laws, rules and regulations, and to alter and repeal the same at pleasure, for the following purposes, viz: for the appointment of a treasurer, and prescribing his duties; one *Treasurer*. assessor, and such other officers for said village as they may *Assessor*. deem necessary; and also such as they may deem necessary and right for the maintenance and preservation of the public places, property and buildings of said village; to regulate the police thereof; to preserve the public peace; to prevent riots, *Police*. disturbances and disorderly assemblages; to appoint watchmen *Watchmen*. and policemen, and organize a fire department, and define their *Fire department*. duties and prescribe penalties for their delinquencies; to restrain, apprehend and punish vagrants, mendicants, drunk- *Vagrants, etc.* ards and all disorderly persons; to punish lewd and lascivious behavior in the streets or other public places; to suppress and *Gaming houses*. restrain disorderly and gaming houses, billiard tables, and other devices and instruments of gaming; and shall have the exclusive power and authority to license such persons as tavern-keepers *Taverns*. and common victualers as they shall think best, (but no license shall be in force except during the life of the board granting it;) to prevent the selling or giving away of spirituous or fermented liquors to drunkards, minors or apprentices; to prevent and punish inordinate riding or driving in the streets; to abate, prevent and remove nuisances; to suppress all disorderly *Nuisances*. houses and houses of ill-fame, and to punish the keepers and inmates thereof; to prevent and compel the removal of all incumbrances, encroachments and obstructions upon the streets, *Obstructions upon streets*. walks, lanes, alleys, parks and public grounds; to compel the owners or occupants of lots to clear side-walks in front of and adjacent thereto, of snow, ice, dirt, mud, boxes and every incumbrance or obstruction thereto; to regulate the storage of *Powder*. powder, lumber, or other combustible material; to prevent the *Fire-arms*. use of fire-arms, slug-shots and other weapons, and fire-works; to construct and regulate markets, the vending of poultry,

Markets.	meat, vegetables, fruits and fish; to regulate the sale of hay, wood, lime, lumber and coal; to regulate the gauging of vessels
Weights and measures.	containing liquors; the sealing of weights and measures; to
Pounds.	maintain and regulate pounds, and to provide for the restraint
Restraint of cattle, etc.	of horses, cattle, sheep, swine, mules and other animals, geese
Dogs.	or other poultry; to prevent the running at large of dogs; to require them to be muzzled and to authorize their destruction if found at large, in violation of any ordinance; to regulate and
Cartmen, etc.	license cartmen, porters, hacks, cabs, and to regulate their rates of compensation; to prevent runners from soliciting travel
Hydraulic works.	ers; to construct hydraulic works to supply the village with water; to light the streets; to borrow money for public improvements, not exceeding one thousand dollars in any one year; to
Wells.	establish wells and cisterns, and prevent the waste of water to prevent bathing in public streams; to purchase grounds for
Cemeteries.	and regulate cemeteries and the burial of the dead, and to provide for the return of the bills of mortality, and to order the use, for burial purposes, of any burying ground or cemetery, to be discontinued whenever they may deem the same necessary
Boundaries of streets.	for the best interest or health of the citizens; to ascertain, establish and settle the boundaries of all streets and alleys, and to
Grades.	establish grades therefor; also to order and cause to be drained or filled up, and to assess the cost and expense on the premises benefitted; to regulate the building of partition and other fences; to establish lines upon which buildings may be erected and beyond which such buildings shall not extend; to prevent
Buildings.	the erection of buildings in an unsafe manner, and to pass all necessary regulations relative to buildings deemed unsafe; to
Fire engines, etc.	purchase and keep in order fire engines and other fire apparatus, and to construct buildings to store them, and to cause each building occupied as a house, store or shop, to be provided with fire buckets and ladders; to establish fire limits, within
Precautions against fire.	which no wooden building shall be built, enlarged or placed; to regulate party walls, chimneys, flues, and putting up stoves and stove-pipes; to regulate the construction of smith shops, planing-establishments, bakeries and other buildings considered

extra hazardous; to guard against fires; to regulate the duties, powers and fees of the village officers; to prescribe the setting of posts and shade trees; to provide for the construction of ^{Shade trees.} side-walks and repairing the same; to grade the walks, streets ^{Grade of streets, etc.} and alleys, and to prescribe the manner of planking or paving them, the cost and expense of which to be paid by assessment on the lots in front of or adjoining which either or all of said improvements shall be made, but not otherwise; but no one of said improvements, except paving, shall be made unless the individuals owning one-half of the property to be assessed for the same improvement, shall petition the president and trustees for that purpose; to construct and keep in repair the public highways, bridges, culverts and sewers; to lay out new streets and alleys, and extend those already laid out, under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying and collection of the highway and other ^{Taxes.} taxes; to provide for taking a census whenever they shall see ^{Census.} fit; to regulate theatres, shows and concerts; to regulate and ^{Shows.} tax, at their discretion, auctioneers or auction sales, gift enterprises, (hawkers,) hucksters, peddlers and pawnbrokers; to regulate the covering of mill-races at the expense of the own- ^{Mill races.} ers thereof; to provide for the removing of drift-wood and flood-wood from McCoy's creek and bridges, and all mill-races and ponds within the limits of said corporation, and to prevent the placing therein any obstructions, and the depositing of all filth therein, and all impure matter tending to render the water thereof unwholesome, and so to regulate and improve the channel of the McCoy creek as to secure the free and uninterrupted passage and discharge of the water thereof; to rail and curb, where necessary, all walks, at the expense of the owners of the adjoining lots; to levy taxes on all personal and real estate ^{Levy of taxes.} within the limits of the village, except property belonging to the village, town, county or State; excepting, also, places of public worship, belonging to any church or congregation, and all grounds and buildings used exclusively for educational purposes; to take the land of any individual for the purpose of

Penalties
for violation
of by-laws.

constructing, widening or extending streets, but not until said individual shall be paid the value thereof, and all buildings thereon, and all the damages he will sustain, as provided for this act; for the violation of any by-laws, rules and regulations such reasonable penalties may be imposed by the law itself the president and trustees may deem proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Buchanan; and any interest the inhabitants of the village of Buchanan may have in the fine or penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause or serve as a juror or witness therein; and the circuit court of the county of Berrien shall also have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty imposed by said by-laws.

Taxes a lien

Sec. 8. All taxes levied upon real estate, and all assessments made thereon, for opening, widening, extending, paving, grading, planking or repairing a street or alley, or making or repairing sidewalks, shall be and remain a lien upon said real estate until the same is paid.

Annual
statement
of affairs of
the village.

Sec. 9. The president and trustees shall, at the expiration of each year, cause to be made out and published, in some newspaper printed in said village, if one shall be printed therein, and if one is not printed therein, then to be posted on the outer door of the building where the last annual election was held in said village, a true statement, exhibiting in detail all items of receipts and expenditures of the preceding year.

Publication
of by-laws.

Sec. 10. No by-law or ordinance of said corporation shall have any effect until the same shall have been published at least one week in a newspaper printed in said village, or until it shall have been posted up for one week in three public places in said village; and an affidavit of said publication, in the manner aforesaid, in case the publication is by posting up, to be made by the clerk of the village, and in case the publication is in a newspaper, then by the publisher of the newspaper in which the same was published, entered at large upon the records

of said corporation, shall be *prima facie* evidence of such publication.

Sec. 11. It shall be the duty of the president and trustees, ^{Assessment roll.} once in each and every year, and immediately after the assessment of the real and personal estate lying and being in said village shall be taken and made, to estimate, apportion and set down, in a column left for that purpose, opposite to the several sums set down as polls, and value of real and personal estate, in the assessment roll, the respective sums in dollars and cents, to be paid as a tax or assessment thereon, and shall give ten days notice of the time and place of reviewing said assessment ^{Review of} roll, under the supervision of the president and assessor, by publishing such notice in a newspaper printed in said village, or posting up the same in three public places in said village, that any party deeming himself aggrieved may be heard, and the roll may then and there be altered if it shall be made to appear that any person has been wrongly assessed; and then they shall cause the said assessment roll, or a copy thereof, to ^{Delivery of, to marshal.} be delivered to the marshal of said village, with a warrant annexed to the same, under the hands of the assessor and trustees, or a majority of them, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein set opposite their respective names, as a tax or assessment, and authorizing him, in case any of them shall refuse or neglect to pay such sums, to levy the same by distress of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such moneys, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant; and said warrant may be renewed from time to time, as the trustees may deem best; and when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the grand list, notice being given of the review of said assessment, as hereinbefore provided.

Sec. 12. If any person shall refuse or neglect to pay the sum

Marshal to
sell prop-
erty in default
of payment
of tax.

or sums at which he or she shall be taxed or assessed as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving public notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand.

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Sale of real
estate for
taxes.

Sec. 13. The tax upon real estate, with all the assessments for the purposes named in the eighth section of this act, shall be put down in the assessment roll by itself, in a column; and whenever any such tax or assessment, and the interest thereon which shall be computed at the rate of twenty per centum per annum until paid, shall remain unpaid for two years from the date of the warrant, to the marshal as aforesaid, the treasurer of said village shall cause so much of the land, charged with such tax and assessment and interest, to be sold at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all charges thereon, first giving at least thirteen weeks notice of the time and place of sale by advertisements posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village; an affidavit of such publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Notice
thereof.

Proceedings
on sale.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon, as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased and the sums paid therefor, and the

Certificate
of purchase.

time when the purchaser will be entitled to a deed for the said lands; and unless within one year from the date of the sale thereof there shall be paid to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per centum per annum, from the date of such certificate, the treasurer, or his successor in office, shall, at the expiration of ^{Conveyance} said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, except it may appear that the tax or taxes have been paid, subject to all the claims the State shall have thereon; and the said conveyance shall be conclusive evidence that the sale was regular, according to the provisions of this act; and every such conveyance executed by the said treasurer, under his hand and seal, witnessed and acknowledged, and recorded in the usual form, may be given in evidence in the same manner, and with the like effect, as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence.

Sec. 15. The treasurer of said village shall receive the same fees, in cases of sale as aforesaid, as are allowed by law to the county treasurer for like services, and the expenses of the advertising of any land for sale, in pursuance of this act, shall, by the treasurer, be added to such taxes respectively as are charged upon land and unpaid, in proportion to the amount of such person's tax as charged and unpaid. ^{Fees of treasurer in cases of sale.}

Sec. 16. No money shall be drawn from the treasury, except by appropriation of the president and trustees; and orders ^{Orders on the treasury.} directing the payment of any and all sums of money shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk and countersigned by the president.

Sec. 17. No member of the board of trustees, during his continuance in office, shall become security for the performance of ^{Trustees, restrictions of.}

any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act; and during the time for which he may be elected a member of said board he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.

Highway
fund.

Sec. 18. All moneys assessed and raised for highway purposes shall be kept a fund separate and distinct from the general fund, and no money shall be appropriated or paid from said highway fund except for highway purposes.

Officers,
terms of.

Bond.

Sec. 19. No officer appointed by the president and trustees shall hold his office more than one year, or until his successor is appointed; and the president and trustees may require of all of them such security, by bond, for the performance of the duties of their respective offices, as shall be thought expedient, which bond shall run to the treasurer of the corporation and his successors in office; and suit may be brought for any breach of said bond, in the name of the president and trustees of said village, as in other cases, before any justice of the peace, or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same.

Marshal,
powers and
duties of.

Sec. 20. The marshal shall have the general supervision of the village, and see that the laws are enforced, and by virtue of his office shall be high constable and chief of the police, with the powers belonging to constables of any township, having power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed a breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly persons and felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the township of Buchanan, who shall hear and try and determine the matter upon proof, in a summary way; to compel the citizens to aid in extinguishing fires; to appoint deputies, with powers similar

his own: *Provided*, That nothing in this act shall be construed *Provide*. into his serving processes issued by justices of the peace in civil cases.

Sec. 21. The marshal shall, at all times, be subject to the ^{Removal of marshal.} supervision and control of the president and trustees in the discharge of his official duties, and he may be removed from office by a majority of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties; but the cause of such removal shall, in all cases, be made a matter of record by them.

Sec. 22. A vacancy in the office of marshal, whether by death, ^{Vacancy in office of marshal, how filled.]} removal from office, resignation or otherwise, shall be filled for the unexpired term by appointment, to be made by the president and trustees; and any vacancy in the number of trustees shall be filled in the same manner.

Sec. 23. The president and trustees shall each receive, as ^{Compensation of officers.} compensation for services, at the rate of one dollar per day for the time they are actually employed. The marshal shall receive such salary as the president and trustees shall prescribe, not exceeding the rate of five hundred dollars for each year, which shall be a full compensation for all services rendered by him. The clerk and treasurer shall each receive such compensation as the president and trustees shall direct.

Sec. 24. The corporation shall be allowed the use of the common jail of the county of Berrien, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation; and all persons so committed to said jail shall be under the charge of the sheriff, as in other cases: *Provided*, The county shall in no manner be chargeable with the costs and expenses of such imprisonment in civil cases.

Sec. 25. Each member of the fire department, or an engine, ^{Exemption of firemen.} hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from the poll tax, or serving on jury; and the president and trustees may pass such laws as they may deem proper, to prevent or extinguish fires,

Commissioners of streets.

and to annex penalties for the violation thereof, and to compel the assistance of the citizens to aid in extinguishing any fire.

Overseers of highways

Sec. 26. The president and trustees shall be the commissioners of streets and highways, and within the limits of the village shall have the same powers, and perform the same duties as now by law belong to commissioners of streets and highways in the several townships of the State, and shall appoint

Highway tax.

one or more overseers of highways to repair and keep in order the highways, streets and alleys, and shall cause a tax to be levied and collected, as taxes usually are for constructing and repairing roads in the different townships, and shall have the exclusive control of the highway moneys levied and collected in the village: *Provided*, That their power to order fences be removed, and to remove such fences themselves, and to open, widen or extend streets and highways, shall not be restricted between the first day of April and the first day of November each year, but they may exercise that power at any time during the year: *And provided also*, That nothing herein contained shall be construed to exempt any person or property within said village from any township tax, that may be legally levied within and for the township of Buchanan, for the repairing, building or rebuilding of any bridge within said township, for any special expenditure for the laying out, opening, working or improving any highway of said township, or for any damages for which said township may become liable, by reason of any neglect in keeping any bridge or public highway in proper repair.

School district.

Sec. 27. The lands within the limits of the corporation of the village of Buchanan, and such contiguous territory as is or may hereafter be thereto annexed for school purposes, shall constitute a single school district, and be known and designated as union school district number one, of the village and township of Buchanan; and such district shall have all the powers and privileges conferred upon school districts by general law, and in addition thereto, such powers and privileges as may have heretofore been conferred upon it by special enactments:

First. At the annual meeting of said district, to be held on Board of education. the first Monday of September, one thousand eight hundred and sixty-three, the qualified voters thereof shall elect, by ballot, six trustees, two each for one, two and three years, who shall together constitute a district board of education; and annually thereafter, in the same manner, they shall elect two trustees, who shall hold their office three years, and until their successors shall have been elected and qualified, and also at the same time and in the same manner, shall fill all vacancies that may exist in said board.

Second. Within ten days after each annual meeting, the trustees thus elected shall meet, and elect from their own number a president, secretary and treasurer, whose powers and duties shall be the same as those conferred upon and required of the moderator, director and assessor of school districts in this State, except so far as the same are increased or modified by the provisions of this act, or by former special acts passed for the benefit of said district. Said board shall have the power to fill any and all vacancies that may occur in their number until the next annual meeting.

Third. Said board shall have the power to hire any and all Power of board. necessary teachers for the several schools of said district, and fix the amount of their compensation; to classify and grade said schools, and determine the ages and qualification for admission thereto; to adopt courses of study and text books for the use of said schools, and to enact such rules and by-laws as may be necessary for the preservation of all property belonging to said district, for the government of the schools, and in reference to all business connected therewith, and also to levy and collect such sums as they may deem proper for the tuition of each and every scholar taught in said district, who is not actually a resident thereof.

Fourth. The qualified voters of such district shall, by vote at School tax. the annual meeting, or at any special meeting called for that purpose, raise by tax upon the taxable property of the said district, such sum as shall be necessary to make the several schools

of the district free of tuition, in all English branches, to the resident scholars thereof.

Tuition of
non-resi-
dents.

Fifth. The treasurer of said district shall have power, in the name of the district, to collect all moneys due for tuition of scholars, who are not actually residents thereof, by suit at law, under the direction of said board.

Board to
publish by-
laws.

Sixth. The board shall publish the rules and by-laws they may from time to time enact, in at least one paper published in the village of Buchanan, and shall give like notice of their alteration or repeal, if there be a newspaper published in said village, and if there be no paper published in said village, then by posting them up in three of the most public places in said village; and the secretary of said board shall also record the same in a book to be kept for that purpose.

Penalty for
trustees re-
fusing to
serve.

Seventh. Every person elected to the office of trustee of said district who, without sufficient cause, shall neglect or refuse to accept such office and serve therein, shall forfeit, for the use of said district, the sum of ten dollars: *Provided*, That no person shall be compelled to serve two terms successively; and the said board shall have power to make all needful rules and regulations relative to its proceedings, and to punish, by fine, not exceeding five dollars for each offence, any member of the board who may, without sufficient cause, absent himself from any meeting thereof, said penalties to be collected as the board may direct.

Ordinances
heretofore
adopted to
remain in
force.

Sec. 28. All ordinances, by-laws and regulations of the corporation of the village of Buchanan, which are in force at the time of the passage of this act, shall remain in full force and effect as if passed under the provisions of this act: *Provided*, however, That they do not contain anything repugnant to the provisions of this act, or the constitution or laws of this State or the United States.

Disposition
of money
received for
license.

Sec. 29. All moneys received for licenses granted to tavern keepers or common victualers, under the provisions of this act, shall be paid to the county treasurer, as provided in section

twenty-six, of chapter thirty-eight, of the revised statutes of eighteen hundred and forty-six.

Sec. 30. This act shall be favorably construed and received ^{Public acts} in all courts as a public act, and copies thereof printed, under the authority of the Legislature, shall be received as evidence, without further proof.

Sec. 31. No person shall be eligible to any office in this cor- ^{Persons in-} poration unless he shall have resided in the said corporation six ^{eligible to} months next preceding his election, and who shall not be en- ^{office.} titled to vote therein.

Sec. 32. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Sec. 33. This act shall take immediate effect.

Approved March 7, 1868.

[No. 78.]

AN ACT to organize the county of Antrim.

SECTION 1. *The People of the State of Michigan enact,* That the county of Antrim, consisting of the territory embraced by ^{Antrim Co.} the present county of Antrim, be and the same is organized into ^{organized.} a separate county by the name of Antrim, and the inhabitants thereof shall be entitled to all the privileges, powers and immunities to which, by law, the inhabitants of other organized counties in this State are entitled.

Sec. 2. The unorganized counties of Kalkaska, Crawford and ^{Unorgan-} Otsego, shall be attached to the said county of Antrim for muni- ^{ized counties} cipal and judicial purposes. ^{attached.}

Sec. 3. All that part of the said county of Antrim which lies ^{Township} north of the south line of township thirty-one north, shall be or- ^{Banks.} ganized into a separate township by the name of Banks, and the first township meeting thereof shall be held at the house of Gurden Geer, on the first Monday in April next; and James Orr, Thomas Flanagan and Rock W. Geer, shall be the inspectors of the election.

Sec. 4. The dimensions of the township of Milton, in said

Township of Milton. county, shall be enlarged by adding thereto the following described territory, to-wit: fractional township thirty north, of range nine west; also, townships twenty-eight, twenty-nine and thirty north, of range eight west.

Township of Elk Rapids. Sec. 5. The name of the township of Meegezee, in said county, is hereby changed to that of Elk Rapids, and all of the territory of the county of Antrim, and of the counties attached thereto, not included within the limits of any other organized township thereof, is hereby attached, for township purposes, to the township of Elk Rapids.

County seat Sec. 6. The county seat of said county of Antrim shall be established, by the board of supervisors, at the village of Elk Rapids, to-wit: in township twenty-nine north, of range nine west, and on sections twenty and twenty-nine.

Co. officers, election of. Sec. 7. At the township meeting of the several townships in said county, to be held on the first day of April next, there shall be an election of all the county officers to which the said county is entitled, whose term of office shall expire on the first day of January, A. D. 1865, and when their successors shall have been elected and qualified. Said election shall be conducted in the same way, by the same officers, and the returns thereof made in the same manner, as near as may be, as is now required by law in the elections of county officers in this State.

County canvass. Sec. 8. The county canvass of the votes cast for county officers shall be held on the second Tuesday succeeding the election, at the house of Henry H. Noble, at the village of Elk Rapids, and said canvass shall be conducted in the same way, and by the same officers, as the requirements of law now provide in organized counties, as nearly as may be, by the appointment, by the board of canvassers, of one of their own number to act as secretary to said board of county canvassers.

Attached to 9th judicial circuit. Sec. 9. Said county shall be in the ninth judicial circuit, and shall be entitled to one court therein in each year.

Sec. 9. [10.] This act shall take immediate effect.

Approved March 11, 1863.

[No. 79.]

AN ACT to amend an act entitled "an act to amend chapter 150 of the revised statutes of 1846, it being chapter 175 of the compiled laws, and to authorize the salary of judges of probate," approved February 15, 1859, and an act amendatory thereto, approved January 17, 1862.

SECTION 1. *The People of the State of Michigan enact*, That sections two and four of an act entitled "an act to amend chapter one hundred and fifty, of the revised statutes of 1846, it being chapter one hundred and seventy-five of the compiled laws, and to authorize the salary of judges of probate," approved February fifteenth, eighteen hundred and fifty-nine, be amended so as to read as follows:

Sec. 2. Said salary shall be fixed and determined by the board of supervisors of each county, and in the county of Wayne by the board of county auditors: *Provided*, That such salary in any county shall not be less than one hundred nor more than one thousand five hundred dollars, except in the county of Wayne, where it shall not exceed two thousand five hundred dollars.

Sec. 2. Section four of said act, being section one of an act amendatory thereto, approved January seventeenth, eighteen hundred sixty-two, shall be amended so as to read as follows:

Sec. 4. In all cases of granting letters testamentary, and of administration, and letters of guardianship, under any law of this State where, by the provisions of law, an inventory and appraisal of property is required, the executor, administrator or guardian receiving such letters shall, at the time of making and returning such inventory, pay into the treasury of the proper county an amount equal to one per cent. upon the amount of such inventory and appraisal, required by law to be made and returned to the probate court in such cases, and the receipt of the county treasurer therefor shall be filed in the office of the probate judge, and there shall be no other or further steps taken in the case until said amount is so paid into

Proceedings
on neglect
to pay.

the county treasury, and the receipt filed as aforesaid; and if [any] executor, administrator or guardian shall neglect or refuse, for the space of thirty days after the time above limited, to pay such amount and file such receipt, as provided in this section, the judge of probate shall have power, and it shall be his duty, to enter an order in said case, reciting the fact, and annulling the letters so granted; and on proper application he shall proceed to appoint an administrator, or administrator with the will annexed, or guardian, as the case may be, in place of the one thus removed, in the same manner, and with like effect, as if there had been none appointed in the case.

Sec. 3. This act shall not be construed to effect or supersede the provisions of the existing law relative to the salary of probate judges, during the term for which the present judges of probate were elected.

Approved March 11, 1863.

[No. 80.]

AN ACT to authorize the supervisors of the county of St. Joseph to levy and collect a tax therein, for the purpose of paying bounties to the volunteers enlisted therefrom in the military service of the United States, and for refunding moneys advanced by subscription to the county bounty fund.

Tax author- SECTION 1. *The People of the State of Michigan enact*, That-
ized. the supervisors of the county of St. Joseph are hereby authorized and required to raise a tax, and authorize the collection thereof, upon the taxable property of said county, sufficient for the refunding of such sums of money as have been raised and advanced, by subscriptions, to the soldiers' county bounty fund, and for the payment of such other sums as have been pledged by the county, to the soldiers enlisted into the service of the United States since the first of July, A. D. eighteen hundred and sixty-two: *Provided*, That no tax shall be so raised to refund any sum paid or advanced, as aforesaid, unless the same was so paid or advanced to some person or committee, appointed by a public meeting of the citizens of said county, with

Proviso.

the understanding that the same should be refunded whenever said county should be legally authorized to raise a tax to refund the same.

Approved March 11, 1868.

[No. 81.]

AN ACT to authorize the Auditor General to pay Theron Bostwick the money erroneously paid on redemption and sale of certain lands.

SECTION 1. *The People of the State of Michigan enact, That* the Auditor General be and hereby is authorized and required to return to Theron Bostwick the money received on the redemption and sale of certain lands, for the taxes of eighteen hundred and fifty-eight and eighteen hundred and fifty-nine, and the interest thereon, on presentation of the redemption certificates and certificates of purchase, or satisfactory evidence, by affidavit, that they have been destroyed, and that he was at the time of such destruction, and still is, the lawful owner thereof: *Return of money authorized.* **Provided,** He shall find, by the records and returns in his office, *Proviso:* that said Theron Bostwick would be justly entitled thereto on presentation of such certificates.

Sec. 2. This act shall take immediate effect.

Approved March 11, 1868.

[No. 82.]

AN ACT to amend section one of "an act to incorporate the village of Dundee," approved February tenth, eighteen hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact, That* section one of "an act to incorporate the village of Dundee," approved February tenth, eighteen hundred and fifty-five, be and the same is hereby amended so as to read as follows: *Section amended.*

SECTION 1. *The People of the State of Michigan enact, That* all that tract of country situated in the township of Dundee, in

Boundaries. the county of Monroe, known and designated on the plats in land office of Monroe district, as the north fraction of the south-east fractional quarter of section thirteen, and the south fraction of the south-east fractional quarter of section thirteen township six south of range six east, and so much of the north-east fraction of said section, being a part of the Macon Reservation (so called) as lies south of the centre of said section; also the plat known as the Daniel Fish plat—excepting therefrom, however, all that part of the Van Nest plat (so called) lying on the south side of the river Raisin, and on the east side of Main street, being village lots numbered seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six and forty-seven—be and the same is hereby constituted a town corporate, by the name of the village of Dunbar.

Sec. 2. This act shall take immediate effect.

Approved March 11, 1863.

[No. 83.]

AN ACT to appropriate certain taxes for the improvement of a certain road in the counties of Eaton and Barry.

SECTION 1. *The People of the State of Michigan enact,* That for the purpose of improving the principal road leading from the village of Hastings, in the county of Barry, to the north-west corner of section four, in the township of Chester, in the county of Eaton, all highway taxes, not otherwise appropriated, shall be assessed upon the legal subdivisions of non-resident lands of not more than forty acres, any portion of which is within one mile from the centre of said road, be and the same is hereby appropriated for the construction and improvement of such road, for the period of five years from the time this act takes effect, to be expended as hereinafter provided.

Commissioners, duties of. Sec. 2. That Orrin M. Wells, of Eaton county, and Seymour Andrews, of Barry county, be and they are hereby appointed

special commissioners, whose duty it shall be to superintend the expenditure of such sums of money as may be collected from time to time, and received by them, for the benefit and improvement of said road, and to direct and determine the manner in which the same shall be done; and all moneys assessed and collected in any surveyed township through which the said road is laid shall be expended in the same, together with the moneys collected in any adjoining township, on either side of said road.

Sec. 3. Any overseer of highways, or any township treasurer, having received any portion of said tax, by way of commutation or otherwise, shall, on demand of either of such special commissioners, pay over to such commissioner any sums so received, and the receipt of such commissioner shall release such overseer or treasurer from any further liability therefor.

Tax heretofore received to be paid over to commissioners.

Sec. 4. It shall be the duty of such special commissioners to render to the board of supervisors of their respective counties, at their annual session, a true account of the application and disbursement of all money received by them respectively, in their respective counties, in each year.

Commissioners to make annual report.

Sec. 5. The said special commissioners, before any moneys so collected, as aforesaid, shall be received by them, shall each make and execute to the people of this State, a bond in the sum of two thousand dollars, conditioned that they will faithfully apply all moneys received by them in virtue of this act, which bonds, with such sureties as the treasurers of their respective counties shall direct and approve, shall be deposited by the said commissioners in the office of the clerk of their respective counties.

To give bonds.

Sec. 6. The said special commissioners shall each receive, as compensation for their services, one dollar per day while actually engaged in the service of said road, which amount shall be audited by the board of supervisors of the respective counties, and shall be paid out of the fund created by this act.

Compensation of commissioners.

Sec. 7. Any vacancy in the office of commissioner under this act, shall be filled by the board of supervisors of the county in which such vacancy occurs; and any commissioner appointed

vacancies, how filled.

by such board of supervisors, shall be subject to and perform all the requirements of this act.

Sec. 8. This act shall take immediate effect.

Approved March 11, 1863.

[No. 84.]

AN ACT to provide for the interest on certain State loans.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That there be and is hereby appropriated, out of any money in the treasury to the credit of the general fund, for each of the years eighteen hundred and sixty-three and eighteen hundred and sixty-four, the sum of forty-three thousand one hundred and forty-seven dollars and forty-nine cents, or so much thereof may be required for the payment of the interest on the temporary loan, the renewal loan, and the two million loan, in which the faith of the State is pledged.

Approved March 11, 1863.

[No. 85.]

AN ACT to provide for interest on the war loan.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That there be and is hereby appropriated, out of any moneys in the treasury to the credit of the general fund, for each of the years eighteen hundred and sixty-three and eighteen hundred and sixty-four, the sum of eighty-four thousand six hundred and ninety-three dollars, for the payment of the interest on the war loan, for which the faith of the State is pledged, if so much shall be required; if not, the balance shall be and the same is hereby appropriated to the payment, from time to time, of the principal of such loan, in the manner provided in an act entitled "an act authorizing a war loan," approved May tenth, eighteen hundred and sixty-one.

Approved March 11, 1863.

[No. 86.]

AN ACT to authorize the board of supervisors of the several counties of this State to cancel and destroy orders that may have been drawn on any of the funds of the county, and remaining uncalled for and on file for the period of six years and upwards.

SECTION 1. *The People of the State of Michigan enact,* That the board of supervisors of the several counties of this State be Cancelment and destruction of orders authorized. and they are hereby authorized, at any regular meeting, to cancel and destroy all orders drawn on any of the funds of the county which may have remained uncalled for and on file for the period of six years and upwards.

Sec. 2. Said boards, before destroying any such orders, shall Record thereof to be kept. cause to be entered in the minutes of their proceedings, a brief description thereof, containing the name of the payee, the number, date and amount of each order.

Sec. 3. This act shall take immediate effect.

Approved March 11, 1863.

[No. 87.]

AN ACT to amend section 109, of chapter 10, it being section 457 of the compiled laws, relative to oaths of office of notaries public.

SECTION. 1. *The People of the State of Michigan enact,* That section one hundred and nine, of chapter ten, it being section four Section amended; hundred and fifty-seven of the compiled laws, be amended so as to read as follows:

(457.) **Sec. 109.** The person so appointed shall, before entering upon the duties of his office, appear before some person Oath of office. authorized to administer oaths, and take and subscribe the oath of office prescribed by the constitution, and deliver the same to the county clerk, within twenty days after receiving notice of his appointment, and the said clerk shall file and preserve the same in his office.

Sec. 2. This act shall take immediate effect.

Approved March 11, 1863.

[No. 88.]

AN ACT to amend section two thousand five hundred and one of the compiled laws.

Section
amended.

New certifi-
cates may
issue in cer-
tain cases.

SECTION 1. *The People of the State of Michigan enact, That* section two thousand five hundred and one of the compiled laws be and the same is hereby amended so as to read as follows: (2501.) When an original certificate of purchase shall have been issued by the commissioner for forty acres or more of the said lands, he may, in his discretion, upon the surrender of such certificate, and the payment of one dollar for each new certificate requested, issue new certificates for subdivisions of the lands included in the original purchase, if, in his opinion, no injury will result therefrom.

Sec. 2. This act shall take immediate effect.

Approved March 11, 1863.

[No. 89.]

AN ACT to authorize the general synod of the Reformed Protestant Dutch Church to hold certain real estate.

Authorized
to hold cer-
tain real es-
tate.

Proviso.

SECTION 1. *The People of the State of Michigan enact, That* "the general synod of the Reformed Protestant Dutch Church a body corporate under the laws of the State of New York, hereby authorized and shall have the capacity to have, receive, hold and enjoy, by gift, grant, purchase, devise or other legal or equitable form of conveyance, the real estate and premises in the county of Ottawa, and State of Michigan known as the "Holland Academy," and the grounds connected therewith, for the purposes of said academy, and their appurtenances, and the conveyance of said property heretofore made is hereby confirmed, and also any other real estate that may be conveyed to said corporation for educational purposes: *Provided, That* said corporation shall not continue to hold any real estate in the State, not actually occupied by it in the exercise of its franchises, for a longer period than ten years.

Sec. 2. This act shall take immediate effect.

Approved March 14, 1863.

[No. 90.]

AN ACT to amend an act entitled "an act to incorporate the village of Mt. Clemens," approved April fourth, eighteen hundred and fifty-one.

SECTION 1. *The People of the State of Michigan enact*, That section twelve of an act entitled "an act to incorporate the vil- ^{Section amended.} lage of Mt. Clemens," approved April fourth, eighteen hundred and fifty-one, be and the same is hereby amended so as to read as follows:

Sec. 12. The marshal, upon receiving the tax roll, shall proceed to collect the taxes therein mentioned, and shall call upon each person taxed, if a resident of the village, at least once, and demand payment of the taxes charged to him, her or them, on said tax roll; and in case of refusal or neglect to pay such taxes, the marshal shall levy the same by distress and sale of ^{May sell goods, etc., for delinquent taxes.} the goods and chattels of every such person, wherever found within the village, and may take any property that may be taken by township treasurers, in the collection of taxes; he shall give the same notice, and sell in the same manner as township treasurers are required to do, in the collection of taxes; and any surplus shall be returned to the person in whose possession said property was when the distress was made, or to the person or persons entitled thereto. The said marshal shall, ^{Unpaid taxes.} within ten days after the time mentioned in his warrant, for the collection of said taxes, return said tax roll, together with the treasurer's receipt for money paid over to him, into the office of the recorder; and in case any of the taxes mentioned in said roll shall remain unpaid, and he shall be unable to collect the same, he shall make out a statement of the taxes remaining due and unpaid, with a full and perfect description of such premises, from said roll, and shall attach thereto an affidavit that the sums mentioned in said statement remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the person charged with, or liable to pay such tax, which said statement of the marshal,

with the affidavit attached, shall be filed in the office of said recorder; and the recorder shall, within five days from the return of the marshal of said delinquent taxes, deliver to the treasurer of said village a certified copy of said marshal's statement.

Sec. 2. This act shall take immediate effect.

Approved March 14, 1863.

[No. 91.]

AN ACT to change the name of the township of Waterloo, Tuscola county, to Elmwood.

Name
changed.

SECTION 1. *The People of the State of Michigan enact*, That the name of the township of Waterloo, in Tuscola county, be changed, and the same is hereby changed to that of Elmwood.

Liabilities
to remain
valid.

Sec. 2. All debts, liabilities, rights, privileges and immunities of every nature, incurred by said township of Waterloo, by contract with any persons or corporations, shall remain binding and valid against said township of Elmwood as they would have been had the name not been changed.

Approved March 14, 1863.

[No. 92.]

AN ACT to repeal act number two hundred and eighty-five of session laws of eighteen hundred and forty-eight, being an act to provide for the construction and improvement of the northern wagon road from Port Huron, in the county of St. Clair, through the counties of Lapeer and Genesee, to Corunna in the county of Shiawassee.

Act repeal-
ed.

SECTION 1. *The People of the State of Michigan enact*, That act number two hundred and eighty-five of session laws of eighteen hundred and forty-eight, being an act to provide for the construction and improvement of the northern wagon road from Port Huron, in the county of St. Clair, through the counties of Lapeer and Genesee, to Corunna, in the county of Shiawassee, be and the same is hereby repealed.

Sec. 2. Nothing in this act shall be so construed as to vacate ^{Object of this act.} any part of said road, or to impair any rights, privileges, duties, obligations or liabilities created or imposed by the act hereby repealed, the sole object of this act being to bring into market the lands remaining unsold, which were, by the said act number two hundred and eighty-five, appropriated for said road.

Approved March 14, 1863.

[No. 93.]

AN ACT to amend an act entitled "an act to revise the charter of the city of Grand Rapids."

SECTION 1. *The People of the State of Michigan enact,* That section fifty-one, of title six, of an act entitled "an act to revise ^{Section amended.} the charter of the city of Grand Rapids," approved February fourteenth, eighteen hundred and fifty-seven, be amended so as to read as follows:

Sec. 51. Whenever the common council shall deem it expedient to construct or repair any side-walk or pavement, or plank any street within the said city, they may, by ordinance or otherwise, require the owner or occupant of any lot or house adjoining such street, to lay or repair such side-walk, or construct such pavement, or plank such street to the middle of said street, in front of or adjoining to his or her lot or house; or they may direct such side-walks and pavements to be made, or such streets to be planked, according to the provisions of this title: If any owner or occupant, after notice so to do shall have been posted on the premises, or otherwise given, served or published, as the common council may direct by ordinance or resolution, shall fail or neglect to construct or repair such side-walk or pavement, or plank such street, for such time, not less than twenty-four hours, as the common council, by ordinance or resolution may fix, the common council may cause the same to be done at the expense of the city; and the supervisor of the ward in which such improvement is to be made, or such repairs done, shall add such expense to the amount of the gen- ^{Owner may be required to construct side-walks.} ^{On neglect of owner the common council may construct the same.}

eral city tax on such lot or house in the next general assessment roll of said city, and such amount so added shall be a lien on the premises, in the same manner as the tax to which is added, and may be collected and enforced, and if not collected or paid, the land sold therefor, in the same manner as for

Required to
repair side-
walks.

general city taxes. The common council may, in like manner, by ordinance or otherwise, under such penalty or penalties they may prescribe, require the owners and occupants, or either of land in said city, or in any specified part thereof, to repair, maintain and reconstruct side-walks, pavements and other street improvements, opposite to and adjoining their respective premises, to the middle of the street or alley, in such manner as the common council, by ordinance or otherwise, may direct, the expense to which any occupant or tenant may be thus subjected may be collected by him from the owner of the premises.

New sections.

Sec. 2. That title five of said act be amended by adding thereto the following sections, to stand as sections ten, eleven, twelve, thirteen and fourteen of said title:

Proceedings
when persons
remove from
city before
payment of
tax.

Sec. 10. In case any person upon whom any tax may be assessed, in any ward of said city, for personal estate, shall have removed out of such ward after the assessment, and before such tax ought by law to be collected; it shall be lawful for the collector of such ward to levy and collect such tax of the goods and chattels of the person so assessed, in any townships within the county of Kent, or in any ward of said city, in which such person shall have removed, or in which he shall reside.

When tax
cannot be
collected,
new warrant
to issue

Sec. 11. When the collector of any ward in said city shall be unable to collect any tax on personal property, on account of the absence of the person so taxed, or for any other cause, the county treasurer, if required, shall issue a new warrant to the collector of such ward, for such tax, and it shall be the duty

Renewal of
bond by
collector.

of the said ward collector to renew his official bond; and thereupon the said warrant shall be and remain in force for the purpose of said collection, until the next annual meeting of the board of supervisors, unless the tax is sooner collected; and the said

ward collector shall charge ten per centum interest on all such taxes, from the first day of February until the day of collection: *Provided*, Said bond shall not be required to be renewed unless *Proviso*. the tax uncollected shall exceed five dollars.

Sec. 12. Whenever any tax shall hereafter be assessed on personal property, in any ward of said city, and shall be re-^{Proceeding when tax is returned for non-payment.} turned by any ward collector for non-payment, it shall be lawful for the collector of the ward, from which any such tax is so returned, in the name of the city of Grand Rapids, to sue the person or persons against whom such tax was assessed, before any court of competent jurisdiction, and to have, use and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of any such tax; or it shall be lawful, at any time after such return, for the common council of said city to direct such personal tax so returned to be reassessed by the supervisor of such ward, upon the personal or real estate of the person or persons against whom the same was originally assessed.

Sec. 13. Executions, issued upon judgments rendered for any such tax, may be levied upon any property liable to be seized and sold under warrants issued for the collection of taxes by ward supervisors; and the proceedings of an officer with any such execution shall be the same, in all other respects, as are now directed by law.

Sec. 14. The production of any assessment roll, on the trial of any action brought for the recovery of a tax therein assessed, may, upon proof that it is the original assessment roll, or the assessment roll with the warrant annexed, of any of the wards of said city of Grand Rapids, be read or used in evidence; and if it shall appear from such assessment roll, that there is a tax therein assessed against the defendant in such suit, it shall be *prima facie* evidence of the legality and regularity of the assessment of the same; and the court before whom the cause may be pending shall render judgment against the defendant, for all the taxes appearing upon said roll to have been assessed to said defendant, unless he shall make it appear that he has paid such

tax; and no stay of execution shall be allowed on any judgment.

Sec. 3. That sections ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen, of title five, of said act, be hereafter numbered and stand as sections fifteen, sixteen, seventeen, eighteen, nineteen and twenty, consecutively.

Sec. 4. This act shall take immediate effect.

Approved March 14, 1863.

[No. 94.]

AN ACT to incorporate the village of Howell.

SECTION 1. *The People of the State of Michigan enact,* That that tract of country situate in the township of Howell, in county of Livingston, in the State of Michigan, which is known and described as follows, to-wit: section thirty-five, section thirty-six, the south half of section twenty-five, and the south half of section twenty-six, in township number three north range number four east, be and the same is hereby made and constituted a town corporate, by the name, style and title of the village of Howell.

Sec. 2. The officers of said village shall consist of a president, recorder, treasurer, assessor and five trustees, to be elected by a plurality of votes, by ballot, of the inhabitants of said village, having the qualifications of electors under the constitution of this State, and who shall hold their offices for the term of one year, and until their successors are elected and qualified; and the common council of said village are hereby authorized and empowered to appoint such other officers as may be necessary, under the provisions of this act. The election of the officers herein provided for shall be held at the court house in said village, on the first Monday in May next, and on the first Monday in May annually thereafter, at such place in said village as the common council thereof may appoint for that purpose: *Provided,* That the neglect to hold such election at the time hereinbefore named, shall not be deemed to work a dis-

Corporation boundaries.

Village officers, election of.

Appointment of certain officers.

Annual election.

Provide.

lution of said corporation; but in such case it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, which may be given by five qualified electors of said village, by posting the same, containing a designation of the time and place thereof, in three of the most public places in said village, at least ten days before such election shall be held.

Sec. 3. At the first election to be held in said village, under this act, there shall be chosen by the qualified electors there present, from among their number, two judges and one clerk of said election, who, together, shall constitute the board of inspectors thereof, each of whom shall, before entering upon his office, take an oath before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof. The said board shall conduct the said election and certify the result thereof; and at each and every election thereafter to be held in said village, under the provisions of this act, the common council of said village shall be the board of inspectors thereof, and the recorder of said village shall be the clerk of such board.

Sec. 4. The polls of all elections in said village, under this act, shall be opened at ten o'clock in the forenoon, and shall be continued open until four o'clock in the afternoon of said day, and no longer. The name of each elector voting at such election shall be written in a poll list, to be kept at such election by the clerk of the board of inspectors thereof. After the close of the polls of such election, the board of inspectors thereof shall proceed, without delay, publicly to count the ballots, unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the president, if present, and if not, then some other member of the board of inspectors of such election, shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots shall be found rolled or folded together, they shall not be counted; and thereupon the board of inspectors present at such election shall proceed immedi-

Board of inspectors.

Duties of.

When polls to open and close.

Poll list.

Canvass of votes.

Certificate
of election.

Tie.

Notice of
election.

Electors.

Recorder
to notify
persons
elected.
Oaths.

ately and publicly to canvass and estimate the votes given at such election, and shall complete said estimate on the same or next succeeding day, and shall certify and declare the number of votes given for each officer, the names of the persons for which such votes, for such office, were given, and the number of votes so given for each person, and shall make and file a certificate thereof in the office of the recorder of said village, within twenty-four hours after the close of said canvass; and the person having the greatest number of votes for any office, shall be declared duly elected to such office; and if two or more persons shall have an equal number of votes for the same office, the board of inspectors of such election shall prepare as many slips of paper of equal size, as there are of persons having an equal number of votes, and shall note the name of one of said persons on each of said slips, and put the same together in a box, and one of the said board shall be blindfolded, and proceed to draw from said box the said slip, and the person whose name shall be first drawn therefrom shall be declared duly elected.

Sec. 5. It shall be the duty of the recorder of said village to give ten days public notice in writing, in three public places in said village, of the time and place of holding all elections, both annual and special, in said village; and no person shall be permitted to vote at any such election unless he is possessed of all the qualifications of an elector under the constitution of this State, and shall have been a resident of said village for ten days next immediately preceding the day of such election. The recorder of said village shall, within five days after the closing of the polls of any election, notify the officers elected thereat, respectively, of their election; and each of the officers so elected and notified shall, before entering upon the duties of his office, take and subscribe an oath that he will support the constitution of the United States, and the constitution of this State, and that he will faithfully discharge the duties of his office, and shall cause a certificate of such oath to be filed with the recorder of said village within ten days after he shall have

been notified of his election. If the qualification of any person offering to vote at such election shall be questioned, the same ^{Proceedings on a challenge.} shall be determined by the board of inspectors thereof, upon an examination of such person thereto on his oath, which may be administered by any member of said board; and any person who shall knowingly swear falsely upon any such examination, shall be deemed guilty of perjury, and on conviction thereof shall be liable to the punishment provided for that crime by the laws of this State.

Sec. 6. The president, recorder and trustees of said village ^{Body corporate.} shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of the common council of the village of Howell; and by that name they and their successors in office shall be known in law, and by such name shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of this State, and any other place whatsoever; and may have a common seal, and may alter and ^{Common seal.} change the same at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, leasing, conveying and disposing of any real or personal estate for the use and benefit of said corporation.

Sec. 7. The common council shall have power to appoint a ^{Common council may appoint certain officers.} marshal, street commissioner, and such other officers necessary under the provisions of this act, for said village, whose elections are not herein provided for; to require of them such bonds, ^{Bond of.} for the faithful performance of their duties, as they may deem necessary, and to dismiss them at pleasure. The officers so ap- ^{Oath of.} pointed shall, before entering upon the duties of their office, take and subscribe the oath of office, hereinbefore provided for, before the recorder, who is hereby authorized to administer the same.

Sec. 8. It shall be the duty of the president to preside at all ^{President to preside at meetings.} meetings of the village council, and in case of his absence, the

Recorder,
duties of.

Compensa-
tion of.

Duties of
treasurer.

Compensa-
tion of.

Powers of
marshall.

Fees of.

Treasurer
and mar-
shal to give
security.

Common
council.

Powers of.

common council may appoint one of their own number as president *pro tem.*; and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of their proceedings; and his compensation for such service shall be a salary not exceeding fifty dollars per annum.

Sec. 9. It shall be the duty of the treasurer to act as collector of the village; to safely keep all moneys coming into his hands belonging to the corporation, and to pay the same on the order of the recorder, countersigned by the president, and at the expiration of his office, to hand over all moneys remaining in his hands, and all books and papers pertaining to his office, to his successor, and his compensation shall be a salary of twenty-five dollars per annum, and two per cent. commission on all sums so collected and described by him.

Sec. 10. The marshal shall be a police constable, and shall serve any and all papers that may be issued by the recorder, or any other officer, by virtue of this act of incorporation, and shall be entitled to demand and receive the same fees as are allowed and paid to constables for similar services, and shall be entitled to the same privileges, and subject to the same liabilities, as are provided for constables in the discharge of their duties by the laws of this State; and the village corporation shall not be liable to him for any other compensation for services.

Sec. 11. The treasurer and marshal shall, respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts reposed in them as the common council shall direct and require.

Sec. 12. The president, recorder and trustees, when qualified and assembled together, shall constitute the common council of the village of Howell, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn from time to time; and the said common council shall hold their meetings at such time and place as they may from time to time appoint; and they shall have power to impose, levy and collect such fines as they may deem proper for non-attendance of the officers and members

thereof, at any such meeting, and also to require the attendance of any officer by them appointed, and to impose and collect fines for non-attendance: *Provided*, That no such fine shall exceed five dollars for any one offence.

Sec. 13. In case of the death, resignation or removal of the president, recorder, or any of the trustees, or other officers elected by the electors of said village, such death, resignation or removal shall be announced by the president or recorder to the members of the common council, who shall convene as soon as may be, and order, by a public notice, to be posted up in three public places in said village, that an election will be held by the electors of said village to elect a suitable person or persons to fill such vacancy or vacancies, which shall be conducted and certified in the manner as hereinbefore provided for the election of village officers, which election shall be ordered to be held at any time, and not less than five days, nor more than sixty days, after such vacancy shall have occurred: *Provided*, That if, at any time, there is a single vacancy, the common council may fill the same, by appointment, at any regular meeting.

*Vacancies,
how filled.*

Sec. 14. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to laying out, altering, vacating and constructing streets, highways and bridges, and the labor so performed thereon within the limits thereof; and the said common council are hereby vested with full power and authority to assess and levy such an amount of labor upon the real and personal property in said village as they may deem necessary to be performed upon the streets, highways and bridges in said village, and for that purpose they are hereby vested with the same power given by law to the commissioners of highways, and may levy a poll tax, not exceeding one dollar upon each person liable therefor by the laws of this State, and may provide for commutation therefor at any sum not exceeding one dollar for each day's labor assessed; and may make ordinances providing for the return of such taxes assessed or unpaid on

*Inhabitants
subject to
all laws re-
lating to
townships.*

*Common
council may
levy a high-
way tax.*

Poll tax.

*Unpaid taxes
as a lien.*

real estate not occupied by the owners thereof, and that such tax shall be a lien on such real estate, and cause the same to be sold in the same manner provided by section twenty-seven of this act: *Provided*, Such highway tax shall not exceed one dollar for every two hundred dollars valuation, exclusive of poll tax.

Powers of
common
council to
make by-
laws.

Labor on
streets.
Levying
taxes.

Nuisances.

Sewers, etc.

Showmen.

Gaming.

Fire-buck-
ets.

Bridges.

Fires.

Meetings of
electors.

Gunpowder.

Animals
running at
large.

Pounds.

Grading
streets, etc.

Billiards.

-x

Sec. 15. The common council shall have full power and authority to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer, assessor and other officers; relative to the time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; and the common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment, by fine, of all persons occasioning the same; to construct sewers and reservoirs; to regulate the construction of private drains; to license all showmen; to suppress all games of chance and hazard; to compel the owners of buildings to procure and keep in readiness such number of fire buckets and ladders as shall be ordered by the common council to regulate bridges within the limits of said village; relative to protecting the village from fires; relative to calling meetings of electors of said village; relative to the keeping and sale of gunpowder in said village; relative to restraining swine, horses and other animals from running at large in the streets, lanes, alleys and other public places in said village; to regulate and establish one or more pounds in said village; to make all necessary rules and regulations, relative to the grading of streets, alleys and lanes, and side-walks, within the limits of said village, and to prescribe the grade upon which the same shall be built, and the width and manner of building the same; to cause the streets and side-walks within the limits of said village to be graded and properly improved, and to impose taxes and assessments for that purpose within the limits of said village in the manner hereafter provided; and to license, suppress and regulate all billiard tables, and all other gaming tables kept for

hire, gain or reward, in said village; and also full power and authority to make all such by-laws and ordinances as may be deemed by the common council expedient or necessary for preventing or suppressing all disorderly or bad houses: *Provided always*, Such by-laws shall not be repugnant to the constitution and laws of the United States, or of the State of Michigan: *And provided also*, That no by-laws or ordinances of said corporation shall have any effect until the same shall have been published one week in a newspaper printed in the county of Livingston, or by written or printed notices posted up one week in three of the most public places in said village.

Sec. 16. The common council shall have full power to purchase and hold, for the use of the inhabitants of said village, suitable grounds for cemeteries, and burial places for the dead thereof; to cause the same to be properly prepared, enclosed or ornamented; to make all needful rules and regulations respecting the same, and the management thereof, and to levy and collect taxes upon the taxable property of said village, to pay all necessary expenses incurred in so doing; and, also, to make rules and regulations concerning shade and ornamental trees along the line of the streets and side-walks of said village.

Sec. 17. The common council shall have power to make all such by-laws and ordinances as they may deem necessary, to secure said village and the inhabitants thereof against injuries by fire, and persons violating the public peace; for the suppression of riots and gambling, and for the punishment of the same; for the apprehension and punishment of vagrants, drunkards and idle persons; and they shall have power and authority to make all such by-laws and ordinances as to them shall seem necessary for the safety and good government of said village and the inhabitants thereof, and to impose all fines, penalties or forfeitures, on all persons offending against the by-laws and ordinances made as aforesaid.

Sec. 18. The common council shall have full power to prevent the vending of liquors in any place within said village, not duly licensed; to regulate the measuring of fire-wood and

- Hay. the weighing of hay, and to prescribe and designate the stand
- Drays. for carts, wagons and drays, and for wood, hay and produce exposed for sale in said village; to appoint a sealer of weights and measures; to prevent and punish immoderate driving in any of the streets of said village; to prohibit bathing in any of the public waters of said village; to prevent the incumbering of the streets, side-walks, alleys, public grounds or squares; to provide for ornamenting the public grounds of said village; and to regulate all grave-yards and places of burial for said village.
- Immoderate driving.
- Incumbering streets.
- Cemeteries.
- Lay out and alter streets, etc. Sec. 19. The common council shall have authority to lay out and establish, vacate, open, make and alter such streets, lanes, alleys, side-walks, highways, water-courses and bridges, within the limits of said village, as they may deem necessary for the public convenience; and if, in the exercise of this power, they shall require for any of such purposes the grounds of any person, they shall give notice thereof to the owner or parties interested, or his, her or their agent or representative, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said common council, for any of the purposes aforesaid; and the said common council are hereby authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said common council to direct the recorder of said village to issue a venire facias, to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before any justice of the peace of said village, at any time therein to be stated, to inquire into the necessity of using such ground or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in, such grounds or premises; which jury, being first duly sworn by said justice faithfully and impartially to inquire into the neces-
- Proceedings when private property is taken.
- Assessment of damages.

sity of using such ground or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in, such ground or premises, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane or alley, side-walk, highway or bridge shall be made, opened or established, or altered, to the claimant or claimants thereof. It shall thereupon be lawful for the common council to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That the common council, or any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any other court of competent jurisdiction, upon giving notice of his, her or their intention so to do, to said justice, in writing, within ten days, or in case of the absence of said party from said village, (at the time of the rendition of the judgment,) then within thirty days after the verdict of such jury and the judgment of said justice as aforesaid; upon the filing of a transcript of the proceedings aforesaid, duly certified by the said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record, having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages shall not exceed the damages assessed before the justice at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Damages to be tendered before streets are opened.

Appeal, right of.

Notice of.

Proceedings on.

Sec. 20. The corporation of the village of Howell shall be allowed the use of the common jail of the county of Livingston, for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and

Use of common jail authorized.

all persons committed to jail by the recorder, or any justice of the peace, for violation of any by-law or ordinance of said common council, shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged, as in other cases.

Justices to try offences.

Sec. 21. Any justice of the peace of the township of Howell is hereby authorized and empowered to inquire of, hear, try and determine, in a summary manner, all the offenses which shall be committed within the limits of said village, against any of the by-laws, ordinances and regulations that shall be made, ordained or established by the said common council, in pursuance of the powers granted to them in this act, and to punish the offender or offenders as by the said by-laws, ordinances and regulations shall be prescribed or directed: *Provided, always*

Proviso.

That any person, on a charge of violating any of the by-laws, ordinances or regulations aforesaid, may demand and have trial by jury, and either party may appeal to the circuit court of Livingston county.

Compensation of officers.

Sec. 22. The recorder, treasurer and marshal shall receive such compensation for their services as hereinafter specified, and other officers appointed, such amount, respectively, as the by-laws and ordinances shall direct; but the residue of the common council shall not receive any pecuniary compensation for their services.

Common council to make annual report.

Sec. 23. The common council shall, at the expiration of each year, cause to be published a just and true statement of all moneys received or expended by them in their corporate capacity, during the year next preceding such publication, also the

To audit accounts of treasurer.

disposition thereof; previous to which they shall settle and audit the accounts of the treasurer, and all other officers and persons having claims against the said village, or accounts with it, and shall make out in detail a statement of all receipts and expenditures, which statement shall fully specify all appropriations made by the common council, and the objects and purposes for which the same were made, and the money expended under each appropriation, the amount of taxes raised, the

amount of contingent expenses, the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of said village.

Sec. 24. In all processes, prosecutions and other proceedings, ^{Citizens competent as jurors.} wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness on account of the interest of such citizen in the event of such process or proceeding: *Provided*, That such interest be ^{Provided} only that which is in common with the citizens of said village.

Sec. 25. Whenever any action or suit shall be commenced ^{Commencement of suit against corporation.} against the corporation, process against said corporation shall be served by leaving a copy of such process, attested by a proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: *Provided*, That the first process shall be by summons, and a copy thereof ^{Provided} left with the recorder at least ten days before the return day thereof.

Sec. 26. The common council shall have full power and ^{Poll tax.} authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on all real or per- ^{Other taxes.} sonal property (not exempt from taxation) within the limits of said village, necessary to defray the expenses thereof: *Provided*, The said taxes so assessed and collected shall not exceed, in ^{Limitation.} any one year, one-half of one per centum upon the valuation of said real and personal property, and exclusive of the side-walk, highway and capitation or poll tax; and every assessment of ^{Tax to be a lien.} taxes lawfully laid and imposed by the said common council on any lands, tenements, hereditaments or premises whatsoever, in said village, shall be and remain a lien on such lands, tenements and hereditaments, from the time of making such assessments or imposing such tax until paid; and the owner or occupants, or parties in interest, respectively, in said real estate, shall be liable upon demand to pay every such assessment or tax to be

Marshal to
sell prop-
erty in de-
fault of pay-
ment.

Notice of
sale of real
estate.

Certificate
of sale.

Deed.

Conveyance
prima facie
evidence of
regularity.

made as aforesaid, and in default of any such payment or part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for the want thereof to sell real estate, rendering the surplus, if any, after deducting the charges of such sale, to the person against whom the tax is levied. *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in said county for at least four weeks, once in each, previous to such sale, and the said marshal shall give to the said purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to said lands described in the certificate of sale shall not, within one year from the date thereof, pay to the said treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate together with the interest thereon at the rate of twenty per cent per annum from the date of such certificate, the said marshal, his successor in office, shall, at the expiration of the said year, execute to the purchaser or purchasers, his or their heirs and assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State shall have therein; and the said conveyance shall be *prima facie* evidence that the sale, and all the proceedings thereon prior to such sale, were regular, according to the provisions of this act and the ordinances of such village; and every such conveyance, executed by said marshal under his hand and seal in the presence of two or more subscribing witnesses, and duly acknowledged and recorded in the usual form, may be given in evidence in the same manner, and with like effect, as a deed regularly executed and acknowledged by the owner, and duly recorded; and when such deed shall have been on record for two years, in the office of register of deeds of said Livingston county, it shall be conclusive evidence of title in the person to whom such real estate was sold, his heirs or assigns.

unless it shall be made to appear that the tax for which the land was sold had been duly paid, or that said land was not liable to taxation at the time such tax was assessed. All personal property sold for taxes in said village, shall be sold in such manner as the by-laws and ordinances of the village shall prescribe.

Sec. 27. Whenever the assessor of said village shall have completed the assessment roll and valuation of the property, ^{Notice of completion of assessment roll.} real and personal, in said village, it shall be his duty to give notice thereof, by publishing in a newspaper printed in said village, by at least two insertions, or posting up the same in three of the most public places in said village, stating the place where said roll is left for the inspection of all persons interested, and of the time when, and the place where, he will meet to hear the objections of any persons interested, to the valuation made by him; and at the time so appointed, the assessor shall be ^{Review of assessment.} present at such place, and on the application of any person considering himself aggrieved, may review and reduce the said valuation, on sufficient cause being shown, upon oath, to the satisfaction of said assessor; and if any person or persons shall conceive himself or themselves aggrieved by the final decision of the said assessor, they shall have the right of appealing from such decision at any time within ten days thereafter, to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, as aforesaid, to reduce said valuation.

Sec. 28. It shall be the duty of the common council to make, ^{Duplicate of taxes.} or cause to be made out, a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, which duplicate shall be signed by the president and recorder, or in case of their absence, or the absence of either of them, by any two members of the common council, and delivered to the marshal, whose duty it shall be to collect the same, within such time and in such manner as the by-laws and ordinances of the village shall direct.

Money col-
lected to be
paid to
treasurer.

Proviso.

Street com-
missioner,
duties of.

Assessment
for grading,
etc.

Fire com-
panies.

Officers of.

Fines for
neglect of
duty.

Sec. 29. All moneys to be raised by tax in said village shall be collected and paid over by the treasurer thereof, in accordance with the provisions of the ordinances of said village: *Provided, however,* That the highway rolls may be collected by the street commissioner, who, for that purpose, is hereby vested with all the powers of overseers of highways under the laws of this State, and such other powers as may be conferred upon him by the ordinances of the village.

Sec. 30. The common council shall have power to appoint one street commissioner to superintend and direct the making, paving, repairing and opening of all streets, lanes and alleys, side-walks, highways or bridges, within the limits of said corporation, in such manner as the common council shall from time to time direct; also, for establishing the line upon which buildings may be erected, and beyond which such buildings shall not extend; and the common council shall cause the expenses of grading and making such side-walks, to be assessed on lots or premises adjoining such improvements, or by general assessment, or otherwise, as they may direct.

Sec. 31. The common council shall have authority to establish and organize all such fire companies, and hose and hook and ladder companies, and provide them with engines and other instruments, as shall be necessary to extinguish fires, and preserve the property of the inhabitants of said village from conflagrations; to appoint from among the inhabitants of said village such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided,* Such number does not exceed fifty in the management of one engine; and such fire, hose, and hook and ladder company shall have power to appoint their officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council, and they may impose such fines for the non-attendance or neglect of duty of any of its members, as may be established by such by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said village a certificate to

that effect, which shall be evidence thereof; and it shall be the ^{Duties of} duty of every fire company to keep in good and perfect repair ^{companies} the fire-engines, hose, hooks and ladders, and other instruments of such company; it shall be the duty of each fire company to assemble at least once in each month, or as often as may be directed by said common council, for the purpose of working or examining said engine and other instruments, with a view to their perfect order and repair; and the fire department shall, in all respects, be under the control and government of the common council, and shall obey all by-laws and ordinances of the village, under such penalty as shall be prescribed therein.

Sec. 32. Upon the breaking out of any fire in said village, the ^{Duties of} marshal shall immediately repair to the place of such fire, and ^{marshal at} aid and assist as well in extinguishing said fire, as in preserving any goods from being stolen, and also removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them, who may be present at the fire.

Sec 33. This act shall be deemed a public act.

Public act

Sec. 34. This act shall take immediate effect.

Approved March 14, 1863.

[No. 95.]

AN ACT appropriating certain non-resident highway taxes for the improvement of a road in Van Buren county.

SECTION 1. *The People of the State of Michigan enact, That* for the purpose of improving the road commencing at the corner of sections No. two, three, ~~ten~~ and eleven, in the township ^{Appropriation of highway taxes.} of South Haven, in the county of Van Buren, and running thence directly east on the section line, through the townships of South Haven, Genesee and Columbia, all the highway taxes that shall be assessed upon the non-resident lands lying on each side of said road, within one mile from the centre of said [road,] (meaning all non-resident lands lying between the centre of said road and the first parallel section line on each side thereof,) shall

be and the same are hereby appropriated for the construction and improvement of said road, for a period of five years from the time this act shall take effect, to be expended as hereinafter provided.

Commissioners.

Sec. 2. That Uzziiah Conger, of South Haven township, Joseph Clark, of Geneva township, and Amos S. Brown, of Columbus township, be and they are hereby appointed special commissioners, whose duty it shall be to superintend the expenditure of such sums of money as may be collected from time to time and received by them, for the benefit and improvement of said road, and to direct and determine the manner in which the same shall be expended; and all moneys assessed and collected in any surveyed township through which said road is laid, shall be expended in the same.

Duties of.

Overseer to pay tax received to commissioners.

Sec. 3. Any overseer of highways, or any township treasurer having received any portion of said tax, by way of commutation or otherwise, shall, on demand of such special commissioners, pay over to such commissioners any sums so received, and the receipt of such commissioners shall release such overseer or treasurer from any further liability therefor.

Annual report of commissioners.

Sec. 4. It shall be the duty of such special commissioners to render to the board of supervisors of said county, at their annual session, a true account, verified by their oath or affidavit of the application and disbursement of all money received by them in such townships respectively, in each year.

Commissioners to give bond.

Sec. 5. The said special commissioners, before they shall be entitled to receive any moneys so collected as aforesaid, shall each make and execute to the county treasurer of said county of Van Buren a bond, in the sum of one thousand dollars, with one or more sureties, conditioned that they will faithfully apply all moneys received by them in virtue of this act, which bond, with such sureties as the treasurer of said county shall direct and approve, shall be deposited by said commissioners in the office of the clerk of said county.

Compensation of commissioners.

Sec. 6. The said special commissioners shall each receive, as compensation for their services, one dollar per day while as

engaged as such commissioners, which amount shall be by the board of supervisors of said county, and shall out of the fund created by this act; and said board of sors shall require such special commissioners to verify account by affidavit.

7. In case either of the special commissioners shall ^{Vacancies, how filled.} or refuse to act, or if any vacancy in the office of com- er shall occur under this act, the same shall be filled by ard of supervisors of the county of Van Buren; and any sioner appointed by such board of supervisors, shall be to and perform all the requirements of this act.

8. Any description or parcel of non-resident land coming ^{Lands ex- cluded from operation of this act.} the operation of act number one hundred fifteen of the laws of eighteen hundred fifty-nine, shall be excluded e operation of this act.

9. This act shall take immediate effect.

proved March 14, 1863.

[No. 96.]

UT to continue in force the provisions of an act entitled act appropriating certain taxes for the improvement of d in the county of Van Buren," approved February 11th, , and to amend section two of said act.

on 1. *The People of the State of Michigan enact*, That all ovisions of act number one hundred and fifteen of the ^{Provisions of act ex- tended.} laws of eighteen hundred and fifty-nine, entitled "an appropriating certain taxes for the improvement of a road county of Van Buren," approved February eleventh, n hundred and fifty-nine, shall be and are hereby ed and continued in force for a period of five years from er the time limited by said act.

2. That section two of said act be and is hereby ed so as to read as follows:

2. It shall be the duty of the special commissioners ^{Duty of spe- cial com- missioners.} ted under and by virtue of this act, to superintend the

expenditure of all such sums of money as may from time to time be collected and received by them for the benefit and improvement of said road, and to direct and determine the manner in which such labor shall be applied: *Provided*, That all moneys collected in the townships of Columbia, Geneva and South Haven, respectively, shall be expended within each township wherein the same shall have been assessed.

Sec. 3. This act shall take immediate effect.

Approved March 14, 1863.

[No. 97.]

AN ACT to amend act number 138, of the session laws of 1861, entitled "an act to amend an act entitled an act to incorporate the city of Lansing," approved February 15, 1859.

SECTION 1. *The People of the State of Michigan enact*, That section two hundred and fifty-seven of an act entitled "an act to incorporate the city of Lansing," as amended by an act approved March thirteenth, eighteen hundred and sixty-one, be and the same is hereby repealed, and that nine new sections be substituted in lieu thereof, which new sections shall read as follows:

Board of Education.

Body corporate.

Sec. 257. The city of Lansing shall constitute one school district from and after the day this act takes effect; and each ward shall, at every annual election on the first Monday in April, elect one member of the board of education, who shall hold his office for three years, and they shall not receive any compensation for their services. The said members shall be a body corporate, by the name and style of "the board of education of the city of Lansing," and by that name may be sued and shall be subject to the laws of this State relative to corporations, that may be applicable thereto. They shall succeed to and be entitled to demand all moneys and other rights belonging to the former school districts in said city, and all real or personal property, or other rights of such districts, or in the possession or control of any person for such districts, and all

or other property shall be held by said board and used
 ended solely for the benefit of common school or schools
 id city. The members of the board of education now ^{Present}
 shall hold their office until the expiration of the term ^{members to}
 they were elected, and until their successors shall be ^{hold office}
 and qualified, under this act. <sup>until expi-
 ration of
 term.</sup>

58. A majority of all the members shall constitute a ^{Quorum.}
 and said board shall meet from time to time at such
 said city as they may designate. They may elect from ^{Officers of}
 ber a president, clerk and treasurer. The said board ^{board.}
 p a record of their proceedings, which shall be signed
 esident and clerk; and any proceedings of said board,
 by the president and clerk, shall be evidence of the
 rein contained. The recorder's court of said city shall ^{Recorder's}
 ediction over all prosecutions for the violation of the ^{court.}
 and ordinances passed by said board.

59. The said board of education shall have full power ^{Powers of}
 ority, and it shall be their duty, ^{board.}

To purchase sites and build school-houses in said city,
 s hereinafter provided;

6. To establish a high school in said city;

To appoint a superintendent of the common schools in <sup>Superin-
 tendent.</sup>
 , under the charge of said board, with such compensa-
 exceeding one dollar per day for actual services, and
 ch powers and duties as said board shall prescribe.
 erintendent may be elected clerk of said board;

7. To establish a school library in said city, and desig- ^{Library.}
 place or places where the same shall be kept, and to
 a librarian, who shall not be entitled to any compensa-
 services as such librarian;

To apply for and receive from the county or city treas- <sup>Primary
 school fund.</sup>
 other officers, all moneys appropriated, or belonging to
 ary school funds of said city, or for library purposes,
 expend the same according to law;

To make by-laws and ordinances for taking the census

of the children of said city; for making reports and all that shall be necessary to draw the proportion of the principal of the school fund belonging to said city; also for levying and collecting rate bills; for visitation of schools and the length of time schools shall be taught, (which shall not be less than six months in each year;) for the employment and examination of teachers, and their powers and duties; for the regulation of schools and the books to be used therein; for the appointment of necessary officers and to prescribe their powers and duties; for all necessary purposes that may advance the interests of education in said city, and the good government and prosperity of the public schools.

Duties of treasurer.

Sec. 260. The treasurer of said city shall keep all school moneys belonging to said city separate from all other moneys, and he shall pay over to the treasurer of said board of education all moneys subject to the order of said board; he shall report to the board the condition of the school fund whenever required by them. In case the city treasurer shall not collect the amount of taxes required by his warrant to be paid into the city treasury, out of such portion thereof as he shall collect, he shall first pay to the treasurer of the board of education the amount claimed for schools and school purposes, in said order.

Erection of buildings.

Sec. 261. Whenever the said board shall determine, by resolution, what sum may be necessary to erect the necessary buildings on block eighty-one of the public square of said city, or on other buildings used for school purposes in said city, said sum, or part thereof as they may deem necessary, shall be assessed and levied on the real and personal property of said city for building purposes, to be collected as other school moneys, and applied by said board for building, as aforesaid: *Provided*,

Assessment and levy therefor.

Provided.

Said resolution shall have been first approved by said school district, to be determined by a majority of the votes in said district at a regular city election, or at a school meeting of said district, called by said board for that purpose; said meeting shall be called in the same manner as is provided by law for school districts in this State. In case of a vacancy in the office

member of said board, the same shall be filled by appointment by a majority of said board, of a person from the ward in which such vacancy exists, which appointment shall be until the next annual election, and until his successor is elected and qualified. All the provisions of the general laws of this State, relative to common and union schools, shall apply and be in force in said city, except such as may be inconsistent with the provisions of this act, or with the by-laws and ordinances of the board of education, made under this act.

Vacancies
in board,
how filled.

Provisions
of general
law to be in
force.

Sec. 262. The board of education of said city are hereby authorized, and it shall be their duty, once in each year, to ascertain and determine, by resolution passed at any regular meeting of said board, by a vote of a majority of all the members, the sums necessary and proper for any or all the following purposes:

Board to de-
termine the
sums neces-
sary to be
raised.

First. To lease, enlarge, alter, improve and repair school-houses and their out-houses and appurtenances;

Second. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages;

Third. To procure fuel, and defray the contingent expenses of the schools, and the expenses of the school library of said city, and the necessary contingent expenses of said board;

Fourth. To purchase books for the school library of said city, to an amount not exceeding one hundred dollars in any one year;

Fifth. To pay teachers' wages after the application of public moneys which may, by law, be appropriated and provided for that purpose, and the amount so determined by said board shall be submitted by them to the voters of said district at the annual school meeting, or at a meeting regularly called for that purpose, and the voters at such meeting shall determine, by a majority of the voters present, whether said sum, or any part thereof, shall be raised on the taxable property of said district; and the clerk of said board of education shall certify to the several supervisors or other officers, whose duty it shall be to assess the ordinary city taxes, the sums so ascertained and determined by said meeting; and the said supervisors, or other

Amount de-
termined to
be submit'd
to the elec-
tors.

Assessment
of.

officers, whose duty it shall be to assess the ordinary city taxes shall levy the sums so certified to them, upon the taxable property of said city, in the same manner as other taxes are levied.

Tax to be a lien. The taxes so levied shall be and remain a lien upon the property on which the same shall be levied, to the same extent, and in the same like manner, and shall be collected in the same manner as is provided for taxes raised for ordinary city purposes: *Provided*, That the treasurer of said city, or other person collecting taxes raised for ordinary city purposes, is required to collect the same in money. Said money shall be disbursed and expended by the authority of said board, for the purposes for which it was raised.

Tax to be assessed at a uniform rate per cent. Sec. 263. The moneys raised in said district, in accordance with section two hundred and sixty-two of this act, shall be assessed upon the taxable property of the several wards respectively of said city, at a uniform rate per cent., according to the valuation as determined by the last assessment rolls equalized by the board of supervisors.

Treasurer of board, duties of. Sec. 264. The treasurer of said board shall have charge of all moneys or funds, subject to the order of said board, and shall pay out, or expend any of said moneys only upon the order of said board, signed by the president and countersigned by the clerk thereof. Said treasurer shall give bonds, with good and sufficient sureties, for at least double the amount of money entrusted to his hands, for the faithful discharge of his duties.

Board to determine within ten days the amount necessary to be raised for 1862. Sec. 265. The said board of education are hereby authorized, and it shall be their duty, to ascertain and determine, within ten days from the passage of this act, the sums necessary for the year eighteen hundred and sixty-two, for any or all the purposes mentioned in section two hundred and sixty-two of this act, which sums, certified in accordance with the provision of said section, shall be levied immediately by said supervisors or other officers, upon the taxable property of said city, upon the assessment rolls of the year eighteen hundred and sixty-two, and shall be collected in the same manner as the State and county taxes are collected. The time for collecting said taxes

extended to the first day of May, eighteen hundred and Time for collection extended.
ee.

Section two hundred and fifty-eight of the act hereby
shall be numbered and stand as section two hundred
y-six.

This act shall take immediate effect.

ved March 14, 1863.

[No. 98.]

T to discontinue a portion of the State road running
gh the township of Ronald, in the county of Ionia.

1. *The People of the State of Michigan enact*, That
tion of the State road which runs through the south-Road dis-
arter of section twenty-eight, in the township of
in the county of Ionia, be and the same is hereby
ued.

This act shall take immediate effect.

ved March 14, 1863.

[No. 99.]

T to authorize the fifth ward of the city of Grand
s to assess and collect certain moneys for school
ses.

1. *The People of the State of Michigan enact*, That
rvisor of the fifth ward of the city of Grand Rapids Assessm'ts and collection of a tax authorized.
the year eighteen hundred and sixty-three, assess upon
and personal property in said ward the sum of three
and seventy-four dollars, in addition to all other taxes
ol purposes, and the same shall be assessed, placed in
ssment roll, and collected the same, at the time, and in
ner of the collection of other school moneys in said
that year, that being the amount of the two mill tax
ear eighteen hundred and sixty, omitted by the super-
said ward.

ved March 14, 1863.

[No. 100.]

AN ACT to amend section three thousand nine hundred of the compiled laws, the same being section two hundred and eight, of chapter one hundred and seventeen, of the revised statutes of eighteen hundred and forty-six, entitled "of courts held by justices of the peace."

SECTION 1. *The People of the State of Michigan enact,*

Section
amended.

section three thousand nine hundred of the compiled laws be amended as to read as follows:

When
books, etc.,
to be deliv-
ered to clerk

Sec. 248. Whenever any justice shall be removed from office or shall remove out of the township or city in which he is elected, or his office shall in any way become vacant, except death, if his successor in office be not elected and qualified, such justice, or the person in whose possession the same may be, shall, within ten days after such vacancy shall happen, deliver to the township or city clerk all the books and papers in his custody relating to his office as a justice of the peace, and whenever such vacancy shall happen by the division or alteration of the boundary of a township or city, said books and papers shall be delivered to the clerk of the township or city in which is the last place of residence, prior to such vacancy.

When other
justice may
take pos-
session of
books, etc.

such justice; and whenever any justice shall be sick, and be unable to perform his judicial duty, or shall be temporarily absent from the county, it shall be lawful for any other justice in the township or city in which he resides to take temporary possession of his docket, and to make out and issue, upon application by the proper party, any execution due upon judgment duly entered therein, or to make out and deliver, upon application by the proper party, a transcript of any judgment duly entered therein.

Approved March 14, 1863.

[No. 101.]

AN ACT to provide for recording United States internal revenue stamps, affixed to instruments authorized by law to be recorded.

SECTION 1. *The People of the State of Michigan enact,* That the register of deeds of any county, or other proper recording officer, is hereby authorized and required, whenever he shall record, or cause to be recorded, any instrument authorized by law to be recorded in his office, which shall have attached thereto, or stamped thereon, a United States internal revenue stamp or stamps, provided for by an act of Congress, entitled "an act to provide internal revenue, and support the government, and to pay interest on the public debt," approved July first, one thousand eight hundred and sixty-two, to enter upon the record of such instrument a design, within an enclosure or scroll, within which shall be written or printed the words and figures which shall be engraved or printed upon such stamp or stamps, and also the letters, words or figures used to cancel such stamp or stamps, according to the act aforesaid, which entry shall be deemed a record of such stamp or stamps as attached to such instrument and forming a part thereof, and shall be *prima facie* evidence that the stamp or stamps thus described were properly affixed or attached to such instrument, and canceled, as described by such entry.

Approved March 14, 1863.

[No. 102.]

AN ACT to amend sections one hundred and seventeen and one hundred and eighteen, chapter ninety, of the revised statutes, the same being sections thirty-five hundred and seventy and thirty-five hundred and seventy-one, chapter one hundred and fifteen, of the compiled laws, relative to the sale of real estate under decrees in chancery.

SECTION 1. *The People of the State of Michigan enact,* That sections one hundred and seventeen and one hundred and eighteen, chapter ninety, of the revised statutes, the same being sections ^{Section amended.}

thirty-five hundred and seventy and thirty-five hundred and seventy-one, chapter one hundred and fifteen, of the compiled laws, be amended so as to read as follows:

Sales, how made.

Sec. 117. All sales of mortgaged premises, under a decree in chancery, shall be made by a circuit court commissioner of the county in which the decree was rendered, or the land or some part thereof is situated, or by some other person duly authorized by the order of the court; and such sales shall be at public vendue, between the hour of nine o'clock in the morning and the setting of the sun, at the court house, or place of holding the circuit court in the county in which such estate or some part thereof is situated, or at such other place as the court shall direct.

Deeds to purchaser.

Sec. 118. Deeds shall thereupon be executed by such circuit court commissioner, or other person making such sale, which shall vest in the purchaser the same estate that would have vested in the mortgagee if the equity of redemption had been foreclosed, and no other or greater; and such deeds shall be valid as if executed by the mortgagor and mortgagee, and shall be an entire bar against each of them, and against all parties to the suit in which the decree for such sale was made, of whom the court has acquired jurisdiction, and against their heirs respectively, and all persons claiming under such heirs.

Approved March 14, 1863.

[No. 103.]

AN ACT declaratory of the meaning of "an act to provide for an additional circuit court commissioner in certain counties," approved March sixteenth, eighteen hundred and sixty-one, and to confirm and make effectual elections had under the same.

Preamble.

Whereas, Doubts have arisen as to the true intent and meaning of "an act to provide for an additional circuit court commissioner in certain counties," approved March sixteenth, eighteen hundred and sixty-one, and in regard to the validity of

certain elections, held in supposed conformity thereto; therefore, to remove the said doubts, and to obviate difficulties that might result therefrom—

SECTION 1. *The People of the State of Michigan enact*, That the second section of said act shall be so construed that in each county in this State, wherein the census last taken by authority of this State or of the United States, shows a population of twenty thousand or more, there shall be elected at the general election, to be held in the year one thousand eight hundred and sixty-four, and every two years thereafter, two circuit court commissioners, who shall severally be vested with such judicial powers, not exceeding those of a circuit judge at chambers, and perform such ministerial duties as are, or may be vested in, or required of, circuit court commissioners by law.

When two commissioners shall be elected.

Sec. 2. That where, in any such counties, an election was held for two circuit court commissioners at the general election held in the year one thousand eight hundred and sixty-two, and the board of county canvassers declared two persons to be elected as such circuit court commissioners, by their having received a larger number of votes therefor than any other candidates, the said elections are hereby confirmed and declared valid and effectual, whether the election of an additional circuit court commissioner had been directed by the board of supervisors of such county or not: *Provided, however*, That nothing herein contained shall preclude any person contesting the election of any one so declared elected, on the ground that the person receiving the certificate of election was not entitled to such office, by being one of the two persons receiving the largest number of votes cast at such election.

Elections in certain cases declared valid

Proviso.

Sec. 3. That if, in any county where two circuit court commissioners were so voted for and declared elected, the board of county canvassers neglected or refused to designate which of such persons should succeed to the office heretofore held by the circuit court commissioner for such county, or by each circuit court commissioner for such county, in case there were two,

Circuit judge authorized to designate the commissioner in certain cases.

the circuit judge of the judicial circuit in which such corporation may be, is hereby authorized to make such designation, to have the same effect as if the same had been made by the board of county canvassers, as contemplated by said act.

Sec. 4. This act shall take immediate effect.

Approved March 14, 1863.

[No. 104.]

AN ACT to amend "an act to authorize mining companies to subscribe and take stock in plank roads or railroads, and to regulate taxation thereon," approved February 8, 1855, by section 1831 of the compiled laws.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* tion one of said act, being section eighteen hundred thirty of the compiled laws, is hereby amended so as to read as follows:

Companies may take stock in plank road or railroad companies.

(1831) Sec. 1. It shall be lawful for any mining company in the Upper Peninsula of this State, organized under any charter or under the general mining laws of this State, to subscribe and take stock in any company formed to construct canals, harbors and improve the same, or in any plank road or railroad when such improvement or road is constructed for the purpose of facilitating transportation to the mines; and the amount of its capital so subscribed and paid out shall, for the purpose of taxation, be deducted from the capital of such mining company and shall be taxed only as the capital of such river or harbor or plank or railroad company.

Amount taken to be returned to State Treasurer.

Sec. 2. The president and secretary of every such mining company, subscribing or taking stock in any such company, shall, on or before the first day of May in each year, make up in their hands, a return to the State Treasurer, verified by the several oaths, stating the amount which such mining company has subscribed and paid in any company herein referred to, and also in what particular company.

Sec. 3. This act shall take immediate effect.

Approved March 14, 1863.

[No. 105.]

AN ACT to amend "an act providing for granting diplomas to graduates of State Normal School," approved February 13th, 1857, being sections 2230 and 2231 of compiled laws.

SECTION 1. *The People of the State of Michigan enact, That* sections twenty-two hundred thirty and twenty-two hundred thirty-one, of compiled laws, being sections one and two of an act providing for granting diplomas to graduates of the State Normal School, shall be so amended as to read as follows: Section amended.

(2230.) Sec. 1. The State board of education is authorized to grant to such students as shall have completed the full course of instruction in the State Normal School, and shall have been recommended by the board of instruction, a diploma, which, when signed by the members of the board of education, and by the board of instruction, shall be evidence that the person to whom such diploma is granted is a graduate of the State Normal School, and entitled to all the honors and privileges belonging to such graduates. Diplomas may be granted.

(2231.) Sec. 2. The board of instruction of the Normal School shall give to every graduate receiving such diploma a certificate, which shall serve as a legal certificate of qualification to teach in the primary schools of any township in this State, when a copy thereof shall have been filed or recorded in the office of the clerk of such township. Such certificate shall not be liable to be annulled, except by the board of instruction, but its effect may be suspended in any township, and the holder thereof may be stricken from the list of qualified teachers in such township, by the school inspectors, for any cause which would authorize them to annul a certificate given by themselves. Certificate of qualifications to teach.

Approved March 14, 1863.

[No. 106.]

AN ACT to amend section 57, of chapter 78, of the compiled laws, relative to certain powers and duties of school district boards.

Section amended. SECTION 1. *The People of the State of Michigan enact,* section fifty-seven, of chapter seventy-eight, of the compiled laws, entitled "of primary schools," be and the same is hereby amended so as to read as follows:

Purchase of books for poor children. Sec. 57. The district board may purchase, at the expense of the district, such school books as may be necessary for the use of the children admitted by them to the district school free of charge, and they shall include the amount of such purchases, and the amount which would have been payable for fuel and teachers' wages, by persons exempted from the payment thereof, together with any sum on the district rate bills, which could not be collected, in their report to the supervisor or supervisors, to be assessed as aforesaid. They shall also prescribe the text books to be used in the school; but the text books once adopted shall not be changed within two years, except by the consent of a majority of the votes, at some regular meeting. They **Text books.** have the general care of the school, and may establish all the usual regulations for its management.

Sec. 2. This act shall take immediate effect.

Approved March 14, 1868.

[No. 107.]

AN ACT to amend sections seven and eight, of chapter sixty of the revised statutes of 1846, being sections 2450 and 2451 of the compiled laws, relative to the terms of payment on the sale of university and school lands.

Sections amended. SECTION 1. *The People of the State of Michigan enact,* That sections seven and eight, of chapter sixty, of the revised statutes of eighteen hundred forty-six, being sections twenty-four hundred and fifty and twenty-four hundred and fifty-one

compiled laws, be, and the same are hereby amended so as follows:

10) Sec. 7. The said commissioner shall, whenever it satisfactorily appears that the chief value of any parcel of land consists of pine or other timber, and that in his opinion the value of the State will not be secured by a compliance with the terms of payment prescribed in the second section of this act, require of the purchaser fifty per centum of the purchase price to be paid at the time of the purchase, and such security for the payment of the balance of the principal, at any time hereafter, as in his judgment will secure the respective purchaser against loss, or he may, in his discretion, require full payment of the same.

11) Sec. 8. The Governor of the State shall sign and issue of patents to be issued, patents for the lands described in any certificate of purchase whenever the same shall be presented to him with the further certificate of the commissioner endorsed thereon, that the whole amount of principal and interest specified therein, together with the taxes, charges and interest levied on said land have been paid according to law, and that the holder of the certificate of purchase, whether as original purchaser or as purchaser of the right, title and interest of such original purchaser at an execution or mortgage sale, is entitled to the same therefor.

12. This act shall take immediate effect.

Approved March 14, 1868.

[No. 108.]

TO provide for the erection of a building for the treasury department of the State.

Section 1. *The People of the State of Michigan enact, That* there shall be and is hereby appropriated from the general fund, Appropriation, for the purpose of erecting such an addition to the building containing the State offices, (or such separate building as may

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be determined best,) at Lansing, as may be suitable and necessary for the transaction of the business of the treasury department of this State, such a sum as may be necessary for that purpose, not exceeding in all the sum of six thousand five hundred dollars. Said addition, or separate building to be so constructed as to be proof against fire, as nearly as possible, and to contain an ample vault, which shall be secure against both burglars and fire, so far as practicable.

Board of
Auditors,
duties of.

Sec. 2. It shall be the duty of the board of State auditors to determine the size, location and arrangement of the building or addition provided for by this act; to contract, on behalf of the State, for the erection, completion and furnishing thereof, to cause the same to be done without unnecessary delay, and in an economical and workman-like manner; and to do all other things as they shall deem necessary and expedient to carry into effect the true intent and meaning of this act:

Proviso.

vided, The aggregate cost thereof shall not exceed the amount hereinbefore appropriated.

Payment for
labor per-
formed.

Sec. 3. The board of State auditors shall, from time to time, certify the amount due for the construction and furnishing of said addition or separate building, and on any such certificate the Auditor General is hereby directed to draw his warrant on the State Treasurer for the amount of the same, payable by the treasurer out of any money in the treasury not otherwise appropriated.

Sec. 4. This act shall take immediate effect.

Approved March 14, 1863.

[No. 109.]

AN ACT to amend an act entitled "an act to authorize a loan," approved May 10th, 1861.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, three and five, of said act, be amended so as to read as follows:

Sec. 1. That the Governor and State Treasurer be and t

reby authorized and directed, in the name and behalf of the people of the State, for the purpose of organizing the volunteer militia, repelling invasion, suppressing insurrection or rebellion, and in time of war, to negotiate and contract for or loan or loans for such sum or sums as may be necessary for the purposes herein specified, not exceeding one million two hundred and fifty thousand dollars in all, on the most favorable terms that in their judgment can be obtained, redeemable at the pleasure of the State, at any time within or at the expiration of twenty-five years from the first day of January, eighteen hundred and sixty-one, at a rate of interest not exceeding seven per centum per annum, payable semi-annually, on the first day of January and July in each year; such loan shall be known as the "loan of the State of Michigan," and the bonds issued under this act shall be exempt from taxation; the proceeds of said loan shall be known as the war fund, and shall be paid out in any other manner, and for no other purpose, than in this act provided. The treasurer is hereby authorized to advance such sum out of the fund as may be necessary for the payment of interest to become due January first, eighteen hundred and sixty-two, on the bonds issued under this act, until such time as the tax authorized for that purpose shall have been collected and paid into the treasury.

3. All moneys arising from the sale of the bonds by this act authorized to be issued, shall be paid into the treasury of the State to the credit of the war fund, and shall be drawn from upon the warrants of the Auditor General, which warrants may be issued upon proper vouchers of the paymaster of the volunteer militia, or Quartermaster General of the State, as directed by the Governor, for the payment of any bounty or wages that may be by law authorized to be paid, or for the compensation of sick, disabled and needy soldiers, as authorized by law, and for the purchase and distribution of all necessary military stores, whether of subsistence, clothing, pay, medicines, and camp equipage, arms, munitions and equipments for the companies of the volunteer militia of this State as may

Loan authorized.

When redeemable.

Bonds exempt from taxation.

Treasurer may advance for interest to become due Jan. 1, 1862.

Moneys arising from the sale of bonds to be paid into the treasury.

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Warrants
may issue
for advances
made by
John Owen
as trustee.

Expenses
since April
16, 1861, to
be allowed

Bonds to be
numbered
and regis-
tered.

Cancellation
and record
of paid up
bonds.

have been or shall be mustered into the service of the State of the United States, under the provisions of any law of State; warrants may be issued by the Auditor General, on proper vouchers, certified by the Governor, for advances made by John Owen, as trustee, for expenditure already made for purposes herein specified. Under this act, the Governor shall allow, on proper vouchers of commandants of companies, proved and certified by the military board, such necessary proper expenses as have been, in good faith, made since April sixteenth, eighteen hundred and sixty-one, under the direction of the Governor and Adjutant General, for the organization and subsistence of such companies as have been mustered into the service of the State, under any law of this State.

Sec. 5. The bonds issued under this act shall be numbered and registered in a book provided for that purpose, and kept in the Auditor General's office, which register shall contain the number and amount of such bonds, the rate of interest thereon and where payable. Whenever any such bond shall be paid, the same shall be instantly canceled by the treasurer, or other person paying the same, with a canceling hammer. The Auditor General shall also keep a full record of all the bonds taken and paid, in a book provided for that purpose, and immediately after the record shall have been made, as aforesaid, the bond so paid shall also be canceled, by writing across the face of each, which cancelment shall be signed by the Auditor General and State Treasurer, and said bonds thus canceled shall be filed in the office of the Auditor General.

Approved March 14, 1863.

[No. 110.]

AN ACT to provide a tax for the expenses of the State government.

SECTION 1. *The People of the State of Michigan enact, That* Tax author- two mills on the dollar, of the aggregate of the real and ined. sonal estate, as equalized by the State board of equalization.

for the year eighteen hundred and sixty-one, be levied and collected upon the taxable property of the State, for each of the years eighteen hundred and sixty-three and eighteen hundred and sixty-four, and the same is hereby appropriated for the payment of the expenses of the State government, and the interest upon the State debt, not otherwise provided for.

Sec. 2. The Auditor General shall apportion each year the sums herein directed to be raised among the several counties, in proportion to the taxable property therein, as determined by the State board of equalization, and he shall, on or before the fifteenth day of September, in each year, make out and transmit to the clerk of the several boards of supervisors the amount of such tax so apportioned by him to the county, and shall charge the several amounts of such apportionment to the counties respectively.

Auditor General to apportion and transmit to counties.

Approved March 14, 1863.

[No. 111.]

AN ACT to amend section two, of act number one hundred and fifty-nine, of session laws of eighteen hundred and sixty-one, granting right of way to the Grand River Valley Railroad Company on certain lands of this State, and for other purposes.

SECTION 1. *The People of the State of Michigan enact, That* section two, of act number one hundred and fifty-nine, of session laws of eighteen hundred and sixty-one, approved March fifteenth, eighteen hundred and sixty-one, be so amended as to read as follows:

Section amended.

Sec. 2. The time for the completion of the railroad of such company is hereby extended so that it shall be only required thereof to complete twenty miles of their railroad on or before the first day of December, in the year one thousand eight hundred and sixty-eight, and twenty additional miles in each and every year thereafter, until the whole of said railroad is completed.

Time for completion extended.

Approved March 17, 1863.

[No. 112.]

AN ACT to repeal act number one hundred and ninety-four of the session laws of eighteen hundred and sixty-one, entitled "an act to enlarge union school district number two, of Pontiac, in the county of Oakland."

Section re-
pealed.

SECTION 1. *The People of the State of Michigan enact*, That the number one hundred and ninety-four of the session laws of eighteen hundred and sixty-one, entitled "an act to enlarge union school district number two, of Pontiac, in the county of Oakland," approved March fifteenth, eighteen hundred and sixty-one, be and the same is hereby repealed.

Sec. 2. The lands described in the act aforesaid shall be considered as belonging to the several school districts to which they were attached previous to the passage of the act hereby repealed.

Approved March 17, 1863.

[No. 113.]

AN ACT to legalize the proceedings of the First Baptist Church and Society of Laphamville, Kent county.

Preamble.

Whereas, The First Baptist Church and Society of Laphamville, Kent county, having unintentionally failed to comply with the provisions of section five of "an act concerning churches and religious societies," approved February thirteenth, eighteen hundred and fifty-five, being section twenty hundred and thirty of the compiled laws, in regard to the election of inspectors of election, and having in consequence no legal trustees; therefore

Election of
trustees de-
clared valid.

SECTION 1. *The People of the State of Michigan enact*, That the proceedings of said society, in the election of trustees declared to be valid and legal in all respects, the same as if they had complied fully with the provisions of said act governing such elections.

Sec. 2. This act shall take immediate effect.

Approved March 17, 1863.

[No. 114.]

AN ACT to provide for laying out and establishing a State road in the counties of Lapeer and Tuscola.

SECTION 1. *The People of the State of Michigan enact*, That William W. Barber and Zebard June, be and they are hereby appointed commissioners to lay out and establish a State road, commencing on the township line between the townships of Attica and Arcadia, at or near the south-west corner of section thirty-six, in township number eight north, of range number eleven east, in the county of Lapeer, thence running north on the section line as nearly as the nature of the ground will permit, to a point on the north line of Lapeer county, thence northerly on the most eligible route to the forks of Cass river, in Tuscola county.

Sec. 2. It shall be the duty of said commissioners, on or before the first day of September next, to proceed to lay out and establish said road, and cause the same to be surveyed, and a description thereof to be filed with each of the township clerks of the townships through which said road may pass, whose duty it shall be to record the same, and such record shall be *prima facie* evidence of the legal existence of said road.

Sec. 3. That in all cases in which damages may be claimed by reason of laying out and establishing said road, the same proceeding shall be had thereon as may be required by the laws in force at the time such claim is made, for the assessment of damages in case of roads laid out by highway commissioners.

Sec. 4. For the purpose of constructing said road, there is hereby appropriated all the non-resident highway tax one mile each side of the line of said road, for the term of three years from the passage of this act.

Sec. 5. The State shall not be liable for any expense or damage sustained by reason of this act, but the said township of Arcadia, and all other townships through which said road shall pass, shall pay for the necessary surveys and expenses, and also pay the commissioners the same compensation as is now by law allowed commissioners of highways.

Taxes re-
ceived to be
paid to com-
missioners.

Sec. 6. Any overseer of highways, or any township treasurer having received any portion of said tax, by way of contribution or otherwise, shall, on demand of such special commissioners, pay over to such commissioner any sums so received, and the receipt of such commissioners shall release such overseer or treasurer from any further liability therefor.

Commis-
sioners, re-
port of.

Sec. 7. It shall be the duty of such special commissioners to render to the board of supervisors of said county, at the annual session, a true account, on oath or affirmation, of the application and disbursement of all money received by the such townships respectively, in each year.

Commis-
sioners to
give bond.

Sec. 8. The said special commissioners, before they shall be entitled to receive any moneys so collected as aforesaid, each make and execute to the county treasurers of the county of Lapeer and Tuscola, respectively, a bond in the sum of one thousand dollars, with one or more sureties, conditioned that they will faithfully apply all moneys received by them in virtue of this act, which bonds, with such sureties as the treasurer of said county shall direct and approve, shall be deposited by the said commissioners in the office of the clerk of said county.

Vacancies,
how filled.

Sec. 9. In case either of the special commissioners shall neglect or refuse to act, or if any vacancy in the office of a commissioner shall occur under this act, the same shall be filled by the board of supervisors of the county in which such vacancy occurs; and any commissioner appointed by such board of supervisors shall be subject to and perform all the requirements of this act.

Approved March 17, 1863.

[No. 115.]

AN ACT to authorize the Mount Clemens and Romeo plank road company to discontinue a portion of their road, and for other purposes.

SECTION 1. *The People of the State of Michigan enact, That the Mount Clemens and Romeo plank road company may, for*

majority vote of the stock represented at any regular meeting of said company, discontinue any part of their plank road, and also may gravel any part of their said plank road: *Provided*, That nothing in this section contained shall authorize the removal of the plank from any portion of said road except such portions of the same as they shall gravel: *Provided*, That the said company shall not be entitled to receive or recover toll on any part of said road unless the same shall be kept in good smooth condition for travel.

Sec. 2. In case said company shall, under the provisions of this act, discontinue any part of said plank road, the directors of said company shall, within sixty days after the vote discontinuing the same, cause to be recorded in the office of the register of deeds in each county wherein any portion of said road shall be so discontinued, a description of such parts of the said road as shall have been discontinued.

Sec. 3. This act shall take immediate effect.

Approved March 17, 1868.

[No. 116.]

AN ACT to confer certain forfeited lands, right and privileges, upon the Marquette and Ontonagon railroad company, incorporated January second, eighteen hundred and sixty-three, which were granted in the year eighteen hundred and fifty-seven to the Marquette and Ontonagon railway company, by "an act disposing of certain grants of land made to the State of Michigan for railroad purposes by act of Congress, approved June third, eighteen hundred and fifty-six," approved February fourteenth, eighteen hundred and fifty-seven.

SECTION 1. *The People of the State of Michigan enact*, That the lands, franchises, rights, powers and privileges granted to the Marquette and Ontonagon railway company, by "an act disposing of certain grants of land made to the State of Michigan for railroad purposes by act of Congress, approved June third, eighteen hundred and fifty-six," approved February fourteenth,

eighteen hundred and fifty-seven, and continued to said company by the several acts amendatory thereof, are heretofore declared to be forfeited to the State for non-performance of the conditions contained in said acts.

Grant to the Marquette and Ontonagon railroad company.

Sec. 2. All the lauds, franchises, rights, powers and priviledges heretofore granted to the Marquette and Ontonagon railroad company, by the said act approved February fourteenth, eighteen hundred and fifty-seven, and the several acts amendatory thereof, are hereby granted to the Marquette and Ontonagon railroad company, incorporated January second, eighteen hundred and sixty-three: *Provided*, That said railroad company pay to the directors of the Marquette and Ontonagon railroad company, for its surveys, maps and field notes, such sum of money, or in lands from said grant, as the board of directors and auditors shall decide, on a hearing of the parties, to be just and fair; and said board shall determine whether said sum shall be paid in money or in land, and if in land, they shall appoint an agent to select and appraise the same, at the expense of the parties.

Obligations and privileges of Co.

Sec. 3. The said Marquette and Ontonagon railroad company shall be subject to all the obligations, restrictions and regulations, and shall enjoy all the rights, privileges and immunities granted to said railway company by the several acts aforesaid, which are not inconsistent with this act.

Duties of company.

Sec. 4. It shall be the duty of said railroad company, before the first day of December next, to locate the line of said railroad, and to make and file the necessary maps required by section six of the said act, approved February fourteenth, eighteen hundred and fifty-seven.

Point of commencement of road.

Sec. 5. The said railroad company is authorized to commence the first section of said railroad at a point in the line of the Bay de Noquet and Marquette railroad, near the Lake Superior iron mine; and the said company shall complete, and put in good running order, twenty continuous miles of said road, commencing at the Lake Superior iron mine aforesaid, within

Twenty miles to be completed within two years from July next.

from the first day of July next, and twenty miles a year, year thereafter, until the remainder is completed.

Approved March 17, 1863.

[No. 117.]

ACT to change the name of the township of Allison, in Lapeer county, to Burnside.

SECTION 1. *The People of the State of Michigan enact, That* the name of the township of Allison, in Lapeer county, be and ^{Name} changed. ^{changed.} The name is hereby changed to Burnside.

Approved March 17, 1863.

[No. 118.]

ACT to authorize the Governor to appoint a commissioner to the west part of the Sand Beach and Bay City State road, to allow said commissioner to contract and work said road from the west.

SECTION 1. *The People of the State of Michigan enact, That* the Governor is hereby authorized to appoint a commissioner ^{Governor to} to the west part of the Sand Beach and Bay City State road, west ^{appoint a} of the Pine Bog river. ^{commissioner.}

2. Said commissioner is hereby authorized to contract ^{Contracts to} to work said road from the west line of Huron county: *Pro-* ^{be let from} ^{the west} ^{line of Hu-} ^{ron county.} The contracts shall be let in consecutive sections, from west to east.

3. Said commissioner shall construct said road according ^{Commis-} to the provisions of act number one hundred and seventeen of ^{sioner sub-} ^{ject to pro-} ^{visions of} ^{former acts.} the session laws of eighteen hundred and fifty-nine, and all acts ^{former acts.} contrary thereto, not inconsistent with this act.

4. This act shall take immediate effect.

Approved March 17, 1863.

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[No. 119.]

AN ACT to provide for publishing the time when the sessions of the Legislature heretofore have ended, and hereafter shall end.

Secretary
to certify
the date of
the end of
former ses-
sions.

SECTION 1. *The People of the State of Michigan enact*, That the Secretary of State shall be and hereby is made the duty of the Secretary of State to make his certificate, stating the exact date of the end of each and every session of each and every Legislature of this State held since the year one thousand eight hundred and fifty, and every certificate shall be printed and published with the laws of the present session of the Legislature.

Of the present and future sessions.

Sec. 2. It shall be and hereby is made the duty of the Secretary of State to make his certificate of the date of the end of each session of the Legislature now in session, and of each and every session of the present or any succeeding Legislature, hereafter to be held, which certificate shall be printed and published with the laws of the session of the Legislature to which it refers, and which certificates, and each of them so published, as aforesaid, shall be received as *prima facie* evidence of the facts therein stated, in all the courts of this State.

Sec. 3. This act shall take immediate effect.

Approved March 17, 1863.

[No. 120.]

AN ACT to amend an act entitled "an act relative to levies on real estate," approved January seventeenth, one thousand eight hundred and sixty-two.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "an act relative to levies on real estate," approved January seventeenth, eighteen hundred and sixty-two, be amended so as to read as follows:

Notice of levy to be filed with register; contents thereof.

SECTION 1. *The People of the State of Michigan enact*, That any levy, by execution, on real estate, made after this act shall take effect as a law, shall be valid against *bona fide* conveyances made subsequent to such levy, unless a notice thereof, containing

name of the parties to the execution, a description of
 nises levied upon, and the date of such levy, shall be
 the officer making the same, in the office of the register
 of the county where the premises are situated, within
 days after such levy shall be made; and in case such
 shall not be filed as aforesaid, then such levy shall be
 hereon only from the time when such notice shall be
 cited; and such register shall thereupon enter on such <sup>Duty of Reg-
 ister.</sup>
 minute of the time of receiving the same, and shall
 the same in a book to be kept for that purpose, and to
 an index to such record, in such manner as shall be con-
 for public reference, of the names of the parties to the
 on, as stated in said notice, and such officer shall receive, ^{Fee.}
 ing and filing the notice as aforesaid, the sum of fifty
 and such register of deeds shall receive, for recording the
 the same fees as are allowed by law for recording notices
 endency of suits in chancery, which fees the said officer
 d to the costs to be collected by such execution, and
 like manner collect the same; and whenever any such <sup>Certificate
 of satisfaction.</sup>
 n shall be fully paid, satisfied or discharged, it shall be
 of the clerk of the court that issued such execution to
 the defendant a certificate, under the seal of the court,
 same is satisfied or discharged, and such certificate may
 ded in the same manner as is provided for the recording
 notice.

oved March 17, 1862.

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[No. 121.]

AN ACT to amend sections eight, nineteen, twenty-one, twenty-two, thirty-three, forty-two and forty-three, of an act entitled "an act to provide for the incorporation of villages," approved February seventeenth, eighteen hundred and fifty-seven, the same being chapter seventy-two of the compiled laws.

SECTION 1. *The People of the State of Michigan enact*, Section

Section amended.
Board to declare territory incorporated, and appoint election.

eight is hereby amended so as to read as follows:

Sec. 8. If such board, after hearing the parties, shall be satisfied that all the requirements of this act in respect to such application have been complied with, and that such territory contained the population required by this act, it shall make order declaring that such territory shall be an incorporated village, by the name specified in such application, or by such other name as to such board shall seem proper; and such board shall in such order, appoint three inspectors of elections, to hold the first election required by this act; said board shall also appoint the time and place of holding such first election; but a neglect to hold such first election on the day so appointed shall not be deemed to work a dissolution of said corporation, but in such case the inspectors so appointed may fix any other time for holding such first election, public notice of the time and place thereof, pursuant to section nine of this act, being first given. *Provided*, That the time so fixed shall be within six months after the time first appointed.

Proceeding in case of failure to hold election on day appointed.

Sec. 2. Section nineteen of said act is hereby amended so to read as follows:

Vacancies, how filled.

Sec. 19. Any vacancy occurring in any of the offices of said village provided by this act, whether by death, removal from office, resignation or otherwise, shall be filled for the unexpired term thereof by appointment, to be made by the president and trustees, and any vacancy in the number of trustees shall be filled in the same manner; and when said vacancies shall be filled, the persons so appointed shall continue in office until their successors shall be elected and qualified, and the several officers of said village, provided by this act, other than the

dent and trustees, shall at all times be subject to the vision and control of the president and trustees in the discharge of their official duties, and may be removed from office by a vote of two-thirds of the board, consisting of the president and trustees, for any refusal or neglect to comply with the orders or directions, or any gross neglect in the discharge of their official duties; but such officers shall be entitled to have a justification of the charges against them which are made the ground for removal, and an opportunity to be heard in their defence, and the cause of any such removal shall, in all cases, be a matter of record by them.

3. Section twenty-one of said act is hereby amended so as to read as follows:

21. It shall be the duty of the president to preside at the meetings of the electors and of the board of trustees, but in his absence the said trustees may appoint one of their number as president *pro tem.*, and the clerk shall keep a true and accurate record of the proceedings, and in the absence of the clerk, the said trustees may appoint some other suitable person to act as clerk *pro tem.*, under the supervision and control of the trustees.

4. Section twenty-two of said act is hereby amended so as to read as follows:

22. The president and trustees of such village, when organized as hereinbefore provided, shall be a body corporate and politic, with perpetual succession, to be known by the name designated as aforesaid, and by that name shall be known in law and shall be capable of suing and being sued, of pleading and being impleaded, in all courts and places, and may have a common seal, and may alter and change the same at pleasure, may purchase, hold and convey real and personal estate, the use of such corporation; and a majority of said board of trustees shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

5. Section thirty-three of said act is hereby amended so as to read as follows:

Taxes to be
a lien.

Section 83. Every assessment of taxes lawfully imposed or levied by the president and trustees of such village on any lands, tenements or hereditaments within said village, shall be and remain a lien upon such lands, tenements or hereditaments from the time of the delivery of the tax roll to the marshal until the same is paid; and the owner or occupant of such lands, tenements and hereditaments shall be liable, upon demand, to pay every such assessment or tax, and in default thereof it shall be lawful for the marshal of such village to levy upon and

Sale of real
estate for
taxes.

sell personal estate, and for want thereof the real estate so assessed, rendering the surplus, if any, after deducting the costs and charges of such sale, to the person against whom the tax is levied; but in case of lands, tenements or hereditaments owned by non-residents, no demand of payment of the taxes assessed thereon of such owner shall be necessary, prior to a levy and sale thereof as herein provided, or prior to a levy and sale of the personal property of such non-resident: *Pro*

Notice of
sale.

vided, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in such village, if there be one, or by posting written notices thereof in at least three public places in said village, at least six weeks immediately preceding the time of such sale; and the marshal, on such sale, shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands so purchased, the amount of the bid, and the time when the purchaser thereof will be entitled to a deed for said

Certificate
of sale.

Redemption

land; and if the said lands are not within one year from the date of such sale redeemed, by the payment to the treasurer of such village, for the use of the purchaser, his heirs or assigns the sum mentioned in such certificate, with interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the said marshal, or his successor in office, shall, at

Conveyance

the expiration of said year, execute to the purchaser or purchasers, his or their heirs or assigns, a conveyance of the lands so sold, and the said conveyance shall be *prima facie* evidence that the sale, and all the proceedings therein prior to such sale

were regular; and every such conveyance, executed by the said marshal under his hand and seal, acknowledged and recorded, ^{Conveyance may be given in evidence.} may be given in evidence, in the same manner as a deed regularly executed and acknowledged by the owner, and duly recorded, and every sale, both of real and personal estate, made under and by virtue of this act, shall be at public auction, at some public place within such village corporation, to be specified in the notice of sale, and shall take place between the hours of nine in the forenoon and four in the afternoon, and the lands or other property so sold shall be struck off to the highest bidder; and all personal estate sold for the payment of ^{Sale of personal estate for taxes.} taxes, shall be upon a notice of not less than ten days, which notice shall be posted up in three of the most public places within such village, at least ten days previous to sale, and [at] every sale made under the provisions of this section, the said corporation may become purchaser, with all the rights, and subject to all the liabilities and obligations of any other purchaser.

Sec. 6. Section forty-two of said act is hereby amended so as to read as follows:

Sec. 42. The clerk of said village shall hold his office for the ^{Clerk, term of.} term of two years.

Sec. 7. Section forty-three of said act is hereby amended so as to read as follows:

Sec. 43. The marshal shall be a police constable for said ^{Powers of marshal.} village, and may serve any process issued by any officer by virtue of this act, and shall perform all such services as may be required by the president and trustees, and shall be entitled to the same fees as constables for similar services, and shall be entitled to the same privileges, and subject to the same liabilities as constables in the performance of similar duties. Said marshal shall have the general supervision of the streets, commons, lanes, public grounds, burial places and alleys, in said village, under the direction of the president and trustees, and shall see that the by-laws and ordinances are properly observed.

Sec. 8. This act shall take immediate effect.

Approved March 17, 1863.

[No. 122.]

AN ACT to repeal act number one hundred and ninety-one of the session laws of eighteen hundred and fifty-nine, entitled "an act to incorporate the village of Oriou."

Section re- **Section 1.** *The People of the State of Michigan enact, That*
pealed. act number one hundred and ninety-one of the session laws of eighteen hundred and fifty-nine, entitled "an act to incorporate the village of Orion," approved February fifteenth eighteen hundred and fifty-nine, be and the same is hereby repealed.
Provided. *Provided,* That nothing in this act shall be so construed as to release said village of Orion from any liability now existing against it, or which may be hereafter contracted by it.

Duty of re- **Sec. 2** It shall be the duty of the recorder of said village, within thirty days after this act shall take effect, to deposit the books, records, contracts and documents of said village, in the office of the township clerk of the township of Orion, and the same shall thereupon become the property of said township.

Sec. 3. This act shall take immediate effect.

Approved March 17, 1863.

[No. 123.]

AN ACT for the better regulation of the sale of poisons.

Duty of **Section 1.** *The People of the State of Michigan enact, That*
apotheca- every apothecary, druggist, or other person who sells arsenic, strychnine, corrosive sublimate, prussic acid, or other
ries, etc., in poison, shall keep a record of the date of such sale, the article
the sale of and amount thereof sold, and the person or persons to whom
poisons. delivered, and their residence, which record shall be open to the inspection of any police officer or physician during the business hours of each day; and each and every neglect to keep such record as herein provided, shall be deemed a misdemeanor, and the person or persons guilty thereof shall, upon conviction thereof, be liable to a fine not exceeding fifty dollars.

Penalty for **Sec. 2.** The giving a false or fictitious name to the apothecary,
neglect druggist, or other person from whom such poison was purchased
thereof. false name.

chased, shall be deemed a misdemeanor, and the person or persons guilty thereof shall, upon conviction thereof, be liable to a fine not exceeding fifty dollars.

Approved March 17, 1863.

[No. 124.]

AN ACT to amend section three thousand four hundred and thirty-six of the compiled laws.

SECTION. 1. *The People of the State of Michigan enact*, That section three thousand four hundred and thirty-six of the compiled laws be amended so as to read as follows: Section amended.

Section 3436. Upon the trial of a question of fact by the court, without a jury, the decision of the court shall be given, on or before the first day of the term succeeding that in which the cause was submitted, and if given in vacation, shall be in writing, and filed with the clerk, and upon the trial of any question at law, or the hearing of any suit in chancery, or any incidental issue arising therefrom, the court shall render his decision thereon within one year from the time such motion or cause was submitted to him. Decision of court, when given.

Approved March 17, 1863.

[No. 125.]

AN ACT to prevent the spreading of Canada thistles in the State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of every owner, possessor or occupier of land, to cut, or cause to be cut down, all the Canada thistles growing thereon, or on the highway passing by or through the same, so often in each and every year as shall be sufficient to prevent them going to seed; and if any owner, possessor or occupier of land shall, knowingly, suffer any such Canada thistles to grow thereon, and the seed to ripen, so as to cause or endanger the owner or occupant to cut down thistles.
Penalty for suffering them to grow.

spread thereof, he shall, on conviction, be liable to a fine of dollars for every such offence.

Duties of
overseers or
commissioners of high-
ways.

Sec. 2. It shall be the duty of the overseers or commissioners of highways in any township, to see that the provisions of act shall be carried out within their respective highway tracts; and they shall give notice to the owner, possessor or occupier of any land within said district, whereon Canada thistles shall be growing and in danger of going to seed, requiring him to cause the same to be cut down within five days from the service of such notice; and in case such owner, possessor or occupier shall refuse or neglect to cut down the Canada thistles, the overseer or commissioners of highways shall enter upon the land, and cause all such Canada thistles to be cut down, with as little damage to growing crops as possible, and he shall not be liable to be sued in action of trespass therefor: *Provided*, That where such Canada thistles are growing upon non-resident lands, it shall not be necessary to give notice before proceeding to cut down the same.

Previous:

Expenses
incurred;
account of
to be kept.

Allowance
of.

Expenses
incurred on
the highway,
and on the
land.

Sec. 3. Each overseer or commissioner of highways shall keep an accurate account of the expense incurred by him in carrying out the provisions of the preceding section of this act, with respect to each parcel of land entered upon therefor, and shall offer a statement of such expense, describing, by its legal description, the land entered upon, and verified by oath, to the owner, possessor or occupier of such resident lands, requiring him to pay the amount. In case such owner, possessor or occupier shall refuse or neglect to pay the same within ten days after such application, said claim shall be presented to the township board of the township in which such expense was incurred, and said township board is hereby authorized and required to audit and allow such claim, and order the same to be paid from the fund for general township purposes of said township, out of any moneys in the township treasury not otherwise appropriated. The said overseer or commissioners of highways shall also present to the said township board a similar statement of the expense incurred by him in carrying out the

visions of said section, upon any non-resident land, and the said township board is hereby authorized and required to audit and allow the same in like manner.

Sec. 4. The supervisor of the township shall cause all such expenditures as have been so paid from the township treasury, under the provisions of this act, to be severally levied on the lands so described in the statements of the overseers or commissioners of highways, and to be collected in the same manner as delinquent highway taxes are collected; and the same, when collected, shall be paid into the township treasury to reimburse the outlay therefrom aforesaid.

Sec. 5. Any person who shall knowingly vend any grass or other seed, among which there is any seed of the Canada thistle, shall, for every such offence, upon conviction, be liable to a fine of twenty dollars.

Sec. 6. It shall be the duty of the prosecuting attorney of the county to prosecute all violations of the provisions of this act which shall come to his knowledge.

Sec. 7. Every overseer or commissioner of highways who shall refuse or neglect to discharge the duties imposed on him by the provisions of this act, shall be liable to a fine of twenty dollars.

Approved March 17, 1863.

[No. 126.]

AN ACT to provide for and regulate the transfer of personal estates held in trust.

SECTION 1. *The People of the State of Michigan enact, That* whenever any personal estate shall be holden by any trustee or trustees, under the last will and testament of any person who died resident of this State, for the benefit of any person permanently residing in any other State of the Union, such trustee or trustees may transfer, assign and deliver such estate so holden in trust, to any trustee or trustees lawfully appointed in the State where said beneficiary resides, to be by said trustee

or trustees in such State holden upon the same trust, confidence and limitation as the same is holden in this State under the will of the testator, and under the same securities as the trustee or trustees hold the same in this State.

Proceedings
of person
entitled to
the benefit
of such es-
tate.

Sec. 2. The person or persons entitled to the benefit of such estate shall first procure the appointment of a trustee or trustees in the State where such beneficiary resides, to receive and hold such estate, and shall obtain a copy of such appointment, certified conformably to the act of Congress relating to the certification of judicial proceedings between one State and another, and file the same in the probate court where such will was proved and approved; and shall also proffer a petition to said court, asking the court to direct the transfer and delivery of such trust estate to a trustee or trustees so appointed in another State.

Court of
probate to
authorize
such trans-
fer.

Sec. 3. The court of probate aforesaid may, at its discretion, authorize and direct such transfer, assignment and delivery of such trust estate to the said trustee or trustees so appointed in another State, and said trustee or trustees of such estate, after such assignment and delivery of such estate, shall procure a written acknowledgment of the reception of such estate, and the same being recorded in the probate court where such will was proved and approved, the trustee or trustees in this State shall be thereafter discharged from the care and responsibility of the said trust.

Acknowl-
edgment of
reception of
estate.

Approved March 17, 1863.

[No. 127.]

AN ACT supplementary to an act entitled "an act disposing of certain grants of land made to the State of Michigan for railroad purposes, by act of Congress, approved June third, eighteen hundred and fifty-six," approved February fourteenth, eighteen hundred and fifty-seven, and acts amendatory thereto.

SECTION 1. *The People of the State of Michigan enact, That the grant of lands conferred by the board of control upon the Pe-*

railroad company, under authority of an act approved Grant of
lands con-
firmed.
 arth, eighteen hundred sixty-one, and upon the re-
 ute authorized for military purposes by resolution of
 approved July fifth, eighteen hundred sixty-two,
 confirmed unto the said Peninsula railroad company:
 It shall construct the railroad referred to according Proviso.
 irements of the act and resolution of Congress herein
 .
 ed March 18, 1863.

[No. 128.]

to punish desertion, to prevent improper interference
 the military, and to promote discipline therein.

1. *The People of the State of Michigan enact, That*
 mmissioned officer, non-commissioned officer, musician Penalty for
desertion.
 shall desert the service of the United States, or of
 he shall, unless claimed and punished under the
 and by the law of the United States, upon conviction
 any court of this State,] be imprisoned in the State
 county jail for a period not exceeding two years; and
 the duty of any sheriff, under sheriff, deputy sheriff, Duty of
sheriff, etc.
 city or village marshal, to arrest any such deserter
 he may be found in this State, whenever such officer
 knowledge, or reasonable evidence, by affidavit, of
 tion, and shall thereupon forthwith notify the Adju-
 ral of this State.

If any person, during any war, rebellion or insurrec- Penalty for
inciting any
person to
desert.
 ast the United States, or against this State, shall
 y and advisedly endeavor to seduce any person or
 rving in the forces of this State, or of the United
 land or water, from his or their duty and allegiance,
 e or stir up any such person or persons to commit any
 iny, or to desert, he shall, on conviction, be punished
 nment in the State prison for a period not exceeding

Penalty for
embezzling
military
stores, etc.,
in time of
war.

Sec. 3. If any person, during any war, rebellion or
tion against the United States, or against this State, s
fully and maliciously embezzle, steal, injure, destroy o
any arms or ammunition, or military stores or equipment
United States, or of this State, or of any officer, s
soldiers in the service of the United States, or of this
shall willfully and maliciously destroy, remove or in
buildings, machinery or material used or intended to
in the making, repairing or storing of any arms, ammu
military stores or equipments for the service of th
States, or of this State, whether such buildings, mac
material be public or private property, he shall, on co
be punished by imprisonment in the State prison for
not exceeding five years, or by imprisonment in the co
not more than one year, or by a fine not exceeding one
dollars.

Penalty for
resisting, or
inciting re-
sistance to
military
draft.

Sec. 4. If any person, during any war, rebellion or
tion against the United States, or against this Sta
forcibly resist any military draft ordered by the author
United States, or of this State, or shall incite, enco
command any other person or persons so to resist such
shall unlawfully and willfully dissuade, discourage or
to hinder any other person or persons from volunteerin
ing or mustering into the military service of the Unite
or of this State, or shall forcibly resist, or attempt to re
volunteering, enlisting or mustering into such service
on conviction thereof, be punished by imprisonment in
prison or county jail for a period of not more than one
by a fine not exceeding five hundred dollars.

Penalty for
harboring
deserters.

Sec. 5. Any person who shall conceal or harbor an
or volunteer enlisted in the service of the United Sta
this State, knowing him to have deserted, and with
aid him in such desertion, or shall refuse to deliver h
the orders of his commanding officer shall, on conviction
be imprisoned at hard labor in the State prison for a

than two years, or by a fine not exceeding five hundred dollars.

any person who shall have enlisted into the service of the United States, or of this State, and who shall have been in such service, or who shall offer himself as a substitute of this State, duly drafted into the service of the United States, and shall, after having been drafted into such service, desert the same, he shall, on conviction thereof, be punished by imprisonment in the State prison for a term of not less than one year, or by a fine not exceeding one thousand dollars.

This act shall take immediate effect.

March 18, 1868.

[No. 129.]

For the construction of a State road from the east line of the township of Bloomer, in Montcalm county, by the way of Follett and Shoemaker's mill, in the township of Fair Plains, to the village of Greenville, in said county.

The People of the State of Michigan enact, That he and he is hereby appointed a commissioner to establish a State road from the east centre line of the township of Bloomer, in Montcalm county, by the way of Follett and Shoemaker's mill, in the township of Fair Plains, to the village of Greenville, in said county.

That the highway taxes upon the non-resident lands on the line of said road, for two miles in each direction therefrom, from the most easterly point of said road to the west line of the township of Bloomer, in the town of Fair Plains, and that three sections of swamp lands be and the same are hereby appropriated for the construction and improvement of said road, subject to the terms and conditions of the act of Congress donated to the State; said non-resident taxes shall be appropriated for the road for a period of five years from the first day of January, one thousand eight hundred and sixty-four, to be hereinafter provided.

Penalty for
desertion
after having
been sworn
into service

Commissioner ap-
pointed.

Appropriation of high-
way taxes.

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Taxes re-
ceived to be
paid to com-
missioner.

Sec. 3. Any overseer of highways within any town-
ship through which such road may run, or any township treasurer
thereof, having received any portion of such non-resident
way tax for any portion of the period above specified,
in lieu of way of commutation or otherwise, shall, on demand of the
special commissioner hereinbefore named in this act, pay over to
him any sum so received, and the receipt of said commissioner
shall release such overseer or treasurer from any liability
therefor.

Duty of
commissioner.

Sec. 4. It shall be the duty of such special commissioner
to superintend the expenditure of such sums of money as may be
collected and received by him for the benefit and improvement
of said road, and direct the manner in which the same shall be applied.
Provided, That the said special commissioner shall lay out said
road in accordance with the provisions of the general highway
law, so far as the same relates to assessing damages to private
property over which said road may pass.

Report of
commissioner.

Sec. 5. It shall be the duty of said special commissioner
to render to the board of supervisors of the county of Montcalm
at their annual session in each year, a true account, verified by
his oath or affidavit, of the application and disbursement of
money that he may have received for constructing said road.

Commis-
sioner to
give bond.

Sec. 6. Before the said special commissioner shall enter upon
the duties of his office, he shall execute to and file with the
treasurer of Montcalm county a bond, with one or more sure-
ties, to be approved by said treasurer, in double the amount
estimated to come into his hands by virtue of his office, con-
ditioned for the faithful performance of his duties as
special commissioner.

Compensa-
tion of com-
missioner.

Sec. 7. The said special commissioner shall receive, as com-
pensation for his services, one dollar and fifty cents per week
while actually engaged as such commissioner, which amount
shall be audited by the board of supervisors of Montcalm
county, and paid out of the fund created by this act; and the
account of said commissioner shall be verified by his oath or
affidavit.

In case the above mentioned special commissioner ^{Vacancy, how filled.} accept of the appointment under this act, or a vacancy occur in the office of said special commissioner, or the commissioner shall be removed for any cause, at any time, by clerk, prosecuting attorney and county treasurer of a county, or a majority of said officers, are hereby authorized to remove said special commissioner, upon a satisfactory showing that he has not discharged the duties of the office properly, and may appoint a special commissioner or fill a vacancy.

The said special commissioner is hereby authorized ^{Selection of lands.} to select the said three sections of swamp land, in legal subdivisions of forty acres and upward, from any of the swamp lands owned by the State in the county of Montcalm. This act shall take immediate effect. Passed March 18, 1863.

[No. 130.]

to change the name of Emma D. Woodruff, of Grand Rapids, Kent county, to Libbie E. Prince.

1. *The People of the State of Michigan enact, That* Emma D. Woodruff, of Grand Rapids, in the county ^{Name changed.} and State of Michigan, be and the same is hereby changed to Libbie E. Prince. Passed March 18, 1863.

[No. 131.]

to amend an act entitled "an act to incorporate the village of Kalamazoo, and to repeal all inconsistent acts and parts of acts," approved March fifteenth, eighteen hundred and sixty-one.

1. *The People of the State of Michigan enact, That* section of an act entitled "an act to incorporate the village ^{Section amended.} of Kalamazoo, and to repeal all inconsistent acts and parts of the same so amended as to read as follows:

Review of
assessment
roll.

Sec. 11. It shall be the duty of the president and trustees once in each and every year, and immediately after the assessors have assessed the real and personal estate lying and being in said village, and before any tax shall be levied on the same, to give ten days notice, by publishing thereof, the time and place for reviewing said assessment roll, under the supervision of the president and one assessor, that any person or persons dissatisfied with themselves aggrieved, may be heard; and the roll may be amended and there be altered, if it shall be made to appear that

Apportion-
ment of tax.

any person has been wrongfully assessed. After the expiration of the said ten days, the assessors, and the president and trustees shall immediately proceed to estimate, apportion and set down in a column left for that purpose, opposite to the several sums set down as the polls and value of real and personal estate in the assessment roll, the respective sums, in dollars and cents to be paid as a tax or assessment thereon, and shall then cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hands and seal of said assessors, or a majority of them, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein opposite their respective names, as a tax or assessment, and to authorize him in case any of them shall refuse or neglect to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such moneys, when collected, to the treasurer of said village, by a certain date therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time as the trustees may deem best; and when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the grand list, notice being given of the review of said assessment as herein provided.

Roll to be
delivered to
marshal,
with war-
rant annex-
ed.

Renewal of
warrant.

Sec. 2. That there be added after section fourteen, in said act, to stand as sections fifteen and sixteen, the following:

Sec. 15. If any parcel of land cannot be sold to any person

ax, interest and charges, such parcel shall be passed Lands not sold to be re-offered.
 the time being; and after the advertised list has been
 and before the close of the sale, all such descriptions as
 been sold shall be reoffered; and if on such second Corporation may purchase the same.
 during the sales, the same cannot be sold for the
 aforesaid, the village trustees shall bid off the same for
 ge.

3. All lands bid for the village, as provided in the last Lands purchased by corporation liable to tax
 g section, shall continue liable to be taxed in the same
 as if they were not the property of the village, and
 shall be a charge upon said land.

That sections fifteen and sixteen of said act be num- Number of sections changed.
 venteen and eighteen, and the numbers of all the sub-
 sections be altered so as to conform to the change
 the insertion of sections fifteen and sixteen, named in
 wo of this act.

This act shall take immediate effect.
 red March 18, 1863.

[No. 132.]

to amend act number two hundred and sixty-two of
 sion laws of eighteen hundred and fifty-nine, entitled
 t for the incorporation of insurance companies, and
 g their powers and duties," approved February 15,
 uthorizing amendments of their articles of association
 ters.

1. *The People of the State of Michigan enact, That act*
 two hundred and sixty-two of the session laws of Section ad-
ded.
 hundred fifty-nine, be and the same is hereby
 by adding thereto the following, to stand as section
 f said act:

. Any such company formed under this act, shall have Companies may amend articles of association.
 r to amend their articles of association or charter, at
 g held according to the provisions of said charter or
 f association, upon giving a like notice of their inten-

tion so to do, and of the time and place of meeting for purpose, as is required by section three of said act, and, in case said company is conducted on the plan of mutual insurance, mailing a circular notice thereof to each of the corporations at their last known post office address, at least three weeks before said meeting: *Provided*, That said amendments shall be submitted to the Attorney General, as provided in section of said act, and his certificate therein required be obtained, and said amendments shall be filed in the office of the Secretary of State.

Sec. 2. This act shall take immediate effect.

Approved March 18, 1863.

[No. 183.]

AN ACT to amend section four of "an act to provide for the establishment of school district libraries," approved February fifteenth, eighteen hundred fifty-nine, relating to the purchase of library books.

Section amended. SECTION 1. *The People of the State of Michigan enact*, That section four of "an act to provide for the establishment of school district libraries," approved February fifteenth, eighteen hundred fifty-nine, be amended to read as follows:

Duty of State board of education. Sec. 4. It shall be the duty of the State board of education to make a list of books which are unsectarian in character, suitable for district or township libraries, which list they may from time to time, revise and amend; to advertise for proposals for furnishing the same, and to contract with the lowest responsible bidder to furnish such books to the districts or townships ordering them, in suitable binding and at stipulated price; said contract to be made biennially, and the advertisement proposals to be made in at least two papers of the largest circulation in the State, for one month before making the contract. **Selection of books.** Previous to the first day of January in each year, the Superintendent of Public Instruction shall send to the director of each district having a district library, and the clerk of each town-

ing a township library, a list of the books contracted the prices of the same, from which list the district township board of inspectors, shall, unless a different all have been made by the voters of the district or annually or oftener, select and purchase books for ct or township libraries, to the full amount of library n their hands.

This act shall take immediate effect.
 ed March 18, 1863.

[No. 134.]

to amend an act entitled "an act to provide means redemption of the bonds of the State maturing Janu- t, eighteen hundred and sixty-three," approved March h, eighteen hundred and sixty-one.

The People of the State of Michigan enact, That sec- and six, of act number one hundred and twenty-two, Sections amended. laws of eighteen hundred and sixty-one, be and they y amended so as to read as follows:

The amount of money so received and set apart shall Money re- ceived placed to credit of fund. d to the credit of said fund on or before the first day n each year; and between the said day and the first uanuary next thereafter, it shall be the duty of the State Treasurer to purchase bonds. r to use the whole amount thereof in purchasing, at ates, the bonds hereby authorized to be issued: *Pro-* at the said money shall not be used in the purchase of Proviso. id bonds, except those which may be first maturing of said fund, or any part thereof, shall come into the and if said bonds then next maturing cannot be pur- he said fund shall be used, so far as necessary, in g the temporary loan of fifty thousand dollars issued ar eighteen hundred and fifty-eight.

All money which may be paid into the treasury after School funds appli- ed to purchase of books. eighteen hundred and sixty-three, to the credit of the school, normal school and university funds, shall be

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set apart and applied to the purchase of bonds issued under this act, or of the renewal loan bonds, the temporary loan bonds or the war loan bonds of this State.

Approved March 18, 1863.

[No. 135.]

AN ACT to amend an act entitled "an act to amend section 1014 of compiled laws, in relation to the duties of commissioners of highways," approved February 14th, 1859.

Section amended. SECTION 1. *The People of the State of Michigan enact,* said act, being section ten hundred and fourteen of the compiled laws, be so amended that the same shall read as follows:

Assessment of highway tax. Sec. 1014. The commissioners of highways of the several townships shall meet at the office of the supervisor, on the Thursday after the third Monday of May in each year, for the purpose of assessing a highway tax, and they shall have access to the assessment roll until they shall have completed their assessment.

Sec. 2. This act shall take immediate effect.

Approved March 18, 1863.

[No. 136.]

AN ACT to authorize the Auditor General to refund money paid for taxes and on tax sales, in certain cases.

And Gen'l may refund taxes paid in certain cases. SECTION 1. *The People of the State of Michigan enact,* whenever the taxes on any land returned to the office of the Auditor General for non-payment, shall have been paid by the owner of such lands, his agent or attorney, in cases where the land was not subject to taxation at the date of the assessment of such taxes, the Auditor General, on discovering the same, shall, on application of the person entitled thereto, refund the taxes so paid, with interest at seven per cent.: *Provided,* application shall be made within two years from the time

effect; and in case of taxes hereafter paid, within two months after such payment.

1. Whenever any lands returned to the office of the Auditor General shall have been sold on account of non-payment of taxes thereon, if the Auditor General shall discover, ^{when conveyance may be withheld and money refunded.} that a conveyance of said land is executed and delivered—

That the land so sold was not subject to taxation at the time of the assessment of the taxes for which it was sold; or,

2. That the taxes had been paid to the proper officer, within the time limited by law, for the payment or redemption thereof,

3. That a certificate that no taxes were charged against such land has been given by the proper officer, within the time limited by law for the payment or redemption thereof, he shall execute and deliver a conveyance of such land, and shall, on demand, refund the money paid therefor to be refunded to the purchaser, with interest thereon at seven per cent.: *Provided*, That in the ^{Provided.} case mentioned in the last preceding section shall, at the time of presenting such certificate to the Auditor General, pay to the Auditor General all taxes (and interest) due to the State upon such land.

4. In either of the cases mentioned in the last preceding section, if the Auditor General shall not discover such error ^{Certificate of error.} after a conveyance is executed and delivered, he may, on detecting such error, in his discretion, make a written certificate of such error, setting forth the facts, and execute and acknowledge the same in the same manner that deeds are required to be executed and acknowledged by the laws of this State, and deliver the same to the person whose title is affected by such tax deed, and such certificate, when so made and acknowledged, shall be *prima facie* evidence of the facts therein stated, and may be recorded in the office of the register of the county where such lands are situated, and when recorded, the record thereof, or a duly certified transcript thereof, may be used in evidence in the same cases, and with the same effect, as in the case of records of other instruments: *Pro-*

^{May be recorded; effect of.}

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Charges due the State to be paid before issue of certificate. *vided*, That in the case last mentioned in the preceding tion, the person applying for such certificate shall pay to

Money paid on sale to be refunded. Auditor General all taxes and charges that were due to State on such land at the time of the sale thereof, with interest at seven per cent. thereon; and after the Auditor General

have issued such certificate, in any case, the person to whom such land was deeded, or the person claiming under such land through a deed or deeds duly recorded, may apply to the Auditor General to have the money paid on such sale refunded: *provided further*, That any person holding a certificate of purchase of sale of lands sold for taxes, or a deed or deeds from the State, issued thereon in his own right, shall, upon making satisfactory showing thereof to the Auditor General, and if the same was improperly sold by the State, according to the provisions of section two of this act, may also apply to the Auditor General to have the money paid on such sale refunded: and if such person shall execute and deliver to the Auditor General an instrument relinquishing all claim of title to such land by virtue of such tax sale and deed, the Auditor General shall refund to him the amount paid for such land on such tax

Restrictions with interest at seven per cent. This act shall not be so construed as to authorize the Auditor General to refund any taxes heretofore paid upon any swamp lands, or other State lands, which at the time such taxes were assessed, were held by virtue of a certificate issued by authority of this State, and on which a portion of the purchase money had been paid to the State.

Act repealed. Sec. 4. An act entitled "an act to authorize the Auditor General to vacate and set aside certain tax sales and deeds thereon," approved March fifteenth, eighteen hundred and eighty-one, shall be and the same is hereby repealed.

Sec. 5. This act shall take immediate effect.

Approved March 18, 1868.

[No. 137.]

AN ACT making appropriation for the Michigan Asylum for the Insane.

SECTION 1. *The People of the State of Michigan enact*, That the sum of twenty-two hundred dollars, for the payment of arrears ^{Appropriation.} of the Michigan Asylum for the Insane, be and the same is hereby appropriated out of any moneys in the general fund, and the same shall be passed to the credit of said asylum fund, on the books of the State Treasurer, and may be drawn by the ^{How drawn.} treasurer of the asylum for the insane upon warrants made by the clerk of the board of trustees of said asylum, approved by the medical superintendent thereof, and countersigned by the Auditor General, and be applied as herein provided.

Sec. 2. That the sum of twenty-nine thousand dollars for the ^{Appropriation for building.} year eighteen hundred and sixty-four, and the sum of twenty-nine thousand dollars for the year eighteen hundred and sixty-five, be and the same are hereby appropriated to the Michigan Asylum for the Insane, for the purpose of completing the erection of the north wing of said asylum, and finishing the same, which said sums the Auditor General shall add to and incorporate in the State tax for the years eighteen hundred and sixty-three and eighteen hundred and sixty-four, and when collected shall be passed to the credit of the asylum fund, and may be drawn by the treasurer of the asylum for the insane, ^{How drawn.} upon warrants made by the clerk of the board of trustees of said asylum, approved by the medical superintendent thereof, and countersigned by the Auditor General, and be applied as herein provided.

Approved March 18, 1863.

[No. 138.]

AN ACT relative to tender of damages by railroad companies.

SECTION 1. *The People of the State of Michigan enact*, That when any railroad company desires to acquire the right of way ^{Tender of damages; effect of.} through any lands or premises, such company may, previous to

or after proceedings are commenced for such purpose, ten to the owner or owners of said lands or premises, any sum of money which such company shall conceive sufficient to amend the damages for such right of way, together with the cost to the time of making such tender; and if it shall appear in the progress of such proceedings, or upon the assessment of damages, that the amount so tendered was sufficient to pay such damages, and twenty-five per cent. over and above the same, the costs of the suit or proceedings up to the time of such tender, the owner or owners of such lands or premises shall not be entitled to recover or collect any costs incurred subsequent to the time of such tender, but shall be liable to such railroad company for the costs incurred by it subsequent to such time.

Sec. 2. This act shall take immediate effect.

Approved March 18, 1863.

[No. 139.]

AN ACT to amend an act entitled "an act to amend section eight hundred and eighteen of the compiled laws, relating to the assessment and collection of taxes," approved January thirty-first, eighteen hundred fifty-nine, relative to time completing tax rolls.

SECTION 1. *The People of the State of Michigan enact*, That Act amended. act, being section eight hundred eighteen of the compiled laws, be and the same is hereby amended so that it shall read as follows:

Sec. 818. The supervisor, after the delivery of such receipt, and on or before the first Monday of December, shall deliver Corrected assessment roll; when delivered. the township treasurer a copy of the corrected assessment roll of his township, with the taxes for the year annexed to each valuation, and carried out in the last column thereof; the school library, two-mill and school-house taxes in one column, the highway taxes in another, the township taxes in another, the county taxes in another, and the State taxes in another column, and if other taxes are at any time required by law, they shall Various taxes carried out in separate columns.

be placed each in another column, and the warrant for their collection shall specify particularly the several amounts and purposes for which said taxes are to be paid into the township and county treasuries respectively. Before the supervisor shall deliver such assessment roll and tax list to the township treasurer, he shall carefully foot up the several taxes therein levied, and shall give to the township clerk of his township a statement thereof, and such township clerk shall immediately charge the amount of such taxes to the township treasurer. ^{Supervisor to foot up taxes and give statement to clerk.}

Approved March 18, 1863.

[No. 140.]

AN ACT to provide for the selection, care and disposition of the lands donated to the State of Michigan, by act of Congress, approved July second, eighteen hundred sixty-two, for the endowment of colleges for the benefit of agriculture and the mechanic arts.

SECTION 1. *The People of the State of Michigan enact*, That the Governor, the Auditor General, Secretary of State, State Treasurer, Attorney General and Commissioner of the State Land ^{Agricultural land grant board} Office, shall constitute a board, to be known as the agricultural land grant board, and said board shall have the control and ^{Powers of.} management of the selection, the care and disposal of the lands granted to this State by act of Congress, approved July second, eighteen hundred sixty-two, providing for the endowment of colleges for the benefit of agriculture and the mechanic arts. Said board shall appoint one or more suitable commissioners, ^{Commissioners; duties of.} whose duty it shall be to select and locate, as soon as practicable, the quantity of land donated to this State by the act of Congress aforesaid, and to make return of the lands so located to the Commissioner of the State Land Office of Michigan, properly designated and described, and to notify the registers of the United States district land offices, for the districts in which the selection and location is made, of such selection as fast as the land is so selected.

Description of lands selected to be forwarded to Secretary of Interior.

Sec. 2. The Commissioner of the State Land Office shall, as fast as such selections are made and returned to him, forward to the Secretary of the Interior of the United States, full and complete descriptions of all such lands, and obtain the same title to the State of Michigan for the same.

How lands may be sold and at what price.

Sec. 3. The said land shall be sold for not less than two dollars and fifty cents per acre, one-fourth to be paid at the time of purchase, and the balance at the option of the purchaser. The said balance to bear interest at the rate of seven per centum annum, payable annually into the State Treasury, in advance with and subject to all the conditions of forfeiture, as provided by law for the payment of interest on contracted money due on the purchase of primary school lands; and all sales of said lands shall be conducted in accordance with the rules and regulations as shall be prescribed by the said land grant board.

Proceeds of sale; how applied.

Sec. 4. The proceeds of the sale of said land shall be applied and used according to the conditions of the act of Congress granting the same to the State.

Commissioner of State Land Office authorized to sell the lands.

Sec. 5. Whenever said lands, or any part of them, shall be selected, certified to the Commissioner of the State Land Office, withdrawn from market, and so marked on the map, and certified by the register of any United States land office in the proper district, by authority of the Commissioner of the General Land Office of the United States, the Commissioner of the State Land Office may, by direction of said land grant board, sell said lands in quantities of not less than any legal subdivision, according to the original United States survey; and on such sale being made, the Commissioner of the State Land Office shall issue his certificate of sale in the usual form, setting forth the quantity and description of the land sold, the price per acre, the amount paid at the time of purchase, the balance due with the annual rate of interest, and the time the interest is payable, as is required by law for the payment of interest on contracts for the purchase of primary school lands, and the purchaser will be entitled to a patent from this State.

Commissioner to issue certificate.

payment in full of the principal and interest, together with all taxes assessed on such land.

Sec. 6. Certificates of purchase issued pursuant to the provisions of law, shall entitle the purchaser to the possession of the lands therein described, and shall be sufficient evidence of title to enable the purchaser, his heirs or assigns, to maintain actions of trespass for injuries done to the same, or ejectment, or any other proper action or proceeding to recover possession thereof, unless such certificate shall have become void by forfeiture; and all certificates of purchase in force may be recorded in the same manner that deeds of conveyance are authorized to be recorded.

Effect of certificates.

Sec. 7. The Governor of this State shall sign and cause to be issued, patents for said lands, as soon as practicable after payment is made in full of principal, interest, and all taxes, as aforesaid.

Patents.

Sec. 8. It shall be the duty of said land grant board, from time to time, as money is received from the sales of said lands, to cause the same to be invested in the stocks of the United States, of this State, or some other safe stocks, yielding not less than five per cent. annually, upon the par value of such stocks, and to keep the same invested, to constitute a perpetual fund, the capital of which shall remain forever undiminished; and the annual interest shall be regularly applied, under the direction of the State board of agriculture, to the endowment, support and maintenance of the State Agricultural College, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

Money received from sales to be invested in stocks.]

Interest thereon to be applied to the endowment of the agricultural college.

Sec. 9. The said land grant board shall, on finding that there is not in this State a sufficient amount of land belonging to the United States, subject to private entry, to make up the full amount of the land granted by said act of Congress, notify the

Proceedings in case there is not an amount of land in the State equal to the grant.

Commissioner of the United States Land Office of the fact obtain, as soon as practicable, from the proper authority mission to select an amount sufficient to make up such deficiency from United States lands in other States or Territories of the United States, and shall send one or more commissioners into such States or Territories to select the same, and such rules and regulations as said board may prescribe.

Expenses of
locating;
how paid.

Sec. 10. The agricultural land grant board shall certify, time to time, to the Auditor General the amounts required to pay expenses of selecting and locating, and making returns of said lands, and the Auditor General shall draw his warrants upon the State Treasurer for the amounts thus certified, and the State Treasurer shall pay the same out of the general fund. Said land grant board may make such rules and regulations in relation to the time and manner of selecting and locating lands, making the returns, and keeping the accounts of expenses as they may deem necessary and proper. All contracts and certificates of said board shall be signed by the chairman, and countersigned by the secretary of the agricultural land grant board.

Board may
make rules
and regulations.

Commissioner may
require full
payment
for lands.

Sec. 11. In the sale of lands, the principal value of which consists in the timber, the Commissioner of the State Land Office shall require the payment of the entire amount of purchase money at the time of purchase, or such portion of the same as may be above one-fourth, as he may deem for the best interest of the State.

Sec. 12. This act shall take immediate effect.

Approved March 18, 1868.

[No. 141.]

AN ACT making an appropriation for the support of the Michigan Asylum for the Deaf and Dumb, and the Blind, at Flint, and for completing certain portions of the buildings thereof.

SECTION 1. *The People of the State of Michigan enact, That* the sum of ten thousand dollars for supporting the Asylum for the Deaf and Dumb, and the Blind, at Flint, during the year eighteen hundred and sixty-three, and the further sum of ten thousand dollars for the year eighteen hundred and sixty-four, be and the same is hereby appropriated out of the general fund, and the same shall be passed to the credit of said asylum fund, on the books of the State Treasurer, for the respective years above mentioned, and drawn upon the warrants made by the board of trustees, and countersigned by the Auditor General. Appropriation.

Sec. 2. For the purpose of completing the centre building and one of the wings of said asylum and its connections, the sum of fifteen thousand dollars for the year eighteen hundred and sixty-three, and the further sum of ten thousand dollars for the year eighteen hundred and sixty-four, be and the same is hereby appropriated, which said sums shall be incorporated in the State tax, and levied and collected in addition to all other taxes provided for by law, for the respective years hereinbefore named, and when collected shall be passed to the credit of the asylum fund, and may be drawn in the manner above specified, and shall be used for the purpose specified in this section and no other. Appropriation for building.

Sec. 3. The board of trustees of said asylum are hereby authorized and required to make specifications of the materials to be furnished, and of the work and labor to be done, to complete and finish the centre building and one of the wings of the said asylum buildings, together with its connections, and to advertise for sealed proposals for furnishing such materials, and for doing such work and labor, and to let the same by contract to the lowest responsible bidder or bidders, who shall give sufficient security, to be approved by the board of trustees; and the materials furnished, and the work and labor done, shall all be. Labor and material to be contracted for.

furnished and done under the inspection and supervision of the building commissioner.

Trustees to
advertise
for sealed
proposals.

Sec. 4. The said board of trustees shall advertise for sealed proposals at least six weeks before letting such contracts and in at least two daily papers published in the city of Detroit and in the weekly papers published in the city of Flint, and in such other papers, not exceeding three, as they shall deem necessary.

Approved March 18, 1868.

[No. 142.]

AN ACT to revise the charter of the city of St. Clair.

SECTION 1. *The People of the State of Michigan enact*, That all the district of country in the county of St. Clair, in the State of Michigan, embraced within the limits and constituting the present territory of the city of St. Clair, and hereinafter particularly described, is hereby constituted and still declared to be a city, by the name of the city of St. Clair, said district of country being bounded and described as follows, viz: commencing at the north-east corner of the south part of fractional section number twenty-nine (29), in township number five (5) north, of range number seventeen (17) east, thence west on the quarter line across sections twenty-nine (29) and thirty (30) to the north-west corner of the south part of fractional section thirty (30), in said township and range, thence south on the west line of said section thirty (30), to the north line of private claim number three hundred and five (305), thence along the north line of said private claim westerly to the north-west corner thereof, thence along the west line of said private claim southerly to the south-west corner thereof, thence along the south line of said private claim easterly to the north-west corner of private claim three hundred and four (304), thence southerly along the west line of said private claim three hundred and four (304) to the north-west corner of out-lot number

fourteen (14), thence east along the north line of said out-lot to Pine river, thence southerly along said river, up stream, to the north-west corner of out-lot number seventeen (17), thence easterly along the north line of out-lots seventeen (17) and nineteen (19) to the river St. Clair, thence along said river northerly to the place of beginning; also, all that part of private claim three hundred and six (306) which lies north and east of Pine river, and also the waters of Pine and St. Clair rivers within and in front of the above limits, and heretofore set off from the townships of St. Clair and China, and constituted the said city of St. Clair, and by which name it shall hereafter continue to be known.

Sec. 2. The freemen of said city, from time to time, being ^{Body corporate.} inhabitants thereof, shall be and continue a body corporate and politic, to be known and distinguished by the name and title of the city of St. Clair, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, answering and being answered unto, and of defending and being defended, in all courts of law and equity, and in all other places whatever, and may have a common seal, which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, conveying and disposing of any real or personal estate for said city.

Sec. 3. The said city shall be divided into two wards, as follows, to-wit: all that part of the city lying north of a line commencing on the border of the river St. Clair, in the centre of Jay street, thence west along said street to the east line of five acre lot number seventy-nine, thence north to the north-east corner of said five acre lot number seventy-nine, thence west along the north line of said five acre lots, seventy-nine and eighty and fifty acre lot number four, to the west line of private claim three hundred and five, shall be the first ward; and all that part of the city lying south of said line, shall be the second ward.

Sec. 4. The following officers of said city shall be elected at ^{officers.}

the annual city election on a general ticket, by the qualified electors of the whole city, viz: one mayor, one city clerk, treasurer, one marshal, one city assessor, and one director of the poor; and the following officers of the city shall be elected at said election on a ward ticket, in each ward of said city the qualified electors thereof, viz: one alderman, who shall hold his office two years, one supervisor and one constable: *Provided, however,* That at the election first to be holden under this revised charter, there shall be elected in each ward three aldermen, one of said aldermen in each ward to be elected for one year, and one for two years, and the term for which each is to serve shall be designated on the ballot.

Justices of
the peace.

Sec. 5. There shall be two justices of the peace in and for said city, who shall be elected on the general ticket, at the annual city election, in the same manner, by the same tenor, and shall possess the same jurisdiction and powers, and be subject to the same duties and liabilities, of justices of the peace for townships, and such other jurisdiction, powers and duties, as may be conferred upon them by this act; but the justices of the peace now in office shall be and continue the justices of the peace for said city, under this act, and hold their offices for the terms for which they have been elected, it being the express intention of this act that the justice of the peace first to be elected under this charter shall be at the annual election of said city in the year one thousand eight hundred and sixty-four, which justice when elected, shall hold his term of office for four years, and that at the annual election every succeeding two years thereafter, there shall be elected in and for said city one justice of the peace, who shall hold his term of office for four years: *Provided, however,* That any vacancies occurring in said office shall be filled by the justice of the peace prior to the said annual election of eight hundred and sixty-four shall be filled as hereafter in this act provided.

Officers ap-
pointed.

Sec. 6. The following officers shall be appointed by the common council, at a meeting to be held on the first Monday of May, in each and every year, viz: city attorney, sealer

weights and measures, commissioner of the city cemetery, and such other officers, assistants and agents, as may be authorized by prior resolution of the common council.

Sec. 7. No person shall be elected or appointed to, or shall hold any office under this act, who shall not be at the time of his election or appointment, and so long as he shall hold such office, a resident elector of said city; and no person shall be elected or appointed to, or hold office for any ward of said city, who at the time of his election or appointment, and so long as he shall hold such office, shall not be a resident elector of the ward from and for which he may be elected or appointed. If any person elected or appointed to any office of the corporation shall cease to be a resident of the city, or of the ward for which he may have been elected or appointed, such office shall thereby be vacated. Who to hold offices.

Sec. 8. The first annual election for city and ward officers under this act shall be held on the first Monday in April, in the year one thousand eight hundred and sixty-three, and on the first Monday in April annually thereafter; and all officers now holding office, by election, in said city, which are made elective by the people under this act, shall continue to hold their respective offices until their successors are elected and qualified. Annual election.

Sec. 9. The said annual election shall be held in each ward, at such place as the common council shall appoint, by posting printed or written notices of the holding of said election in at least three of the most public places in each ward, at least six days previous to said election. Annual election.

Sec. 10. The common council of said city may appoint one watchman for each ward thereof, to hold their respective offices during the pleasure of said council; they may also appoint one health physician, to hold his office for one year, and so many fire wardens, common criers, pound masters, weigh masters, inspectors of fire wood, and auctioneers, as they shall deem necessary, each to hold their offices during the pleasure of the council; and they may also contract with a counselor at law to perform such services as may be required of him as attorney Appointments by council.

and counselor at law for said city, for such period, not exceeding one year, compensation not to exceed two hundred dollars a year, and the same rate for any less period, as the common council shall determine.

**Vacancies,
how filled.**

Sec. 11. When any vacancy occurs in any of the offices which are appointed by the common council, either by death, resignation or removal of the incumbent, the said council shall fill such vacancies by appointment for the remainder of the unexpired term for which such officer was appointed.

**Removals,
how made.**

Sec. 12. All officers appointed by the common council, by the provisions of this act, may each be removed from office by the common council for misconduct, or for unfaithful or insufficient performance of the duties of his office, but notice of the charges against them, and an opportunity of being heard in their defence, shall first be given.

**When polls
are to be
opened and
closed.**

Sec. 13. On the day of elections, held by virtue of this act, the polls shall be opened in each ward, at the several places designated by the common council, at eight o'clock in the morning, and shall be kept open until twelve o'clock, (noon), at which time said inspectors may adjourn for one hour, and at one o'clock the polls shall again be opened at one o'clock, and be kept open until four o'clock in the afternoon, at which hour they shall be finally closed.

Electors.

Sec. 14. The inhabitants of the said city being electors under the constitution of the State of Michigan, and no others, shall be declared to be electors under this act, and qualified to vote at the elections held by virtue of this act; and each person claiming to vote at any such election, if challenged by an elector of said city, before his vote shall be received, shall take one of the oaths now provided by the laws of this State, approved January twenty-seventh, eighteen hundred and fifty-one, entitled "an act to provide for holding general and special elections," where the oath shall be administered to him (them) by one of the inspectors of election, and if any person shall swear falsely, upon conviction thereof he (they) shall be liable to the pains and penalties of perjury; but the common council of said city are hereby

**Penalty for
perjury.**

authorized and empowered to provide, by general ordinance, from time to time, to so change the form of the oath or oaths to be administered to such elector, (if challenged,) as to conform to the constitution and laws of the State which may, from time to time, be in force.

Sec. 15. The supervisor and two aldermen of each ward shall constitute the board of inspectors of elections. The supervisor, if present, shall act as chairman of said inspectors; and said board shall also appoint two competent persons to be clerks of elections; each of said persons so appointed shall take the constitutional oath of office, to be administered by either inspector of said board, who are hereby authorized to administer the same. ^{Inspectors of elections]}

Sec. 16. Inspectors of elections, as specified in the preceding ^{md.} section, shall be inspectors of election held in said wards respectively, as well as for the election of State, district and county, as for the city officers.

Sec. 17. The electors shall vote by ballot, and each person offering to vote shall deliver his ballot, so folded as to conceal its contents, to one of the inspectors, in the presence of the board; the ballot shall be a paper ticket, which shall contain, written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons designated for any office than there are persons to be chosen at the election to fill such office. ^{Ballots.}

Sec. 18. The ballot shall contain the names of persons designated as officers for the city, and as officers for the ward. ^{md.}

Sec. 19. If at any annual election to be held in the said city there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person voted for, for the said office, shall be designated on the ballot. ^{Vacancies.}

Sec. 20. Immediately after the closing of the polls, the inspectors of election (or any two of them) shall, without ad- ^{Canvass of votes.}

jourment, publicly canvass the votes received by them, and declare the result; and shall, on the same day or on the next day, make a certificate, stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election, or on the next day, with the clerk of said city.

Poll lists. Sec. 21. It shall be the duty of the inspectors of election, on receiving the vote, as specified in section seventeen, to cause the same, without being opened or inspected, to be deposited in the proper box, provided by the common council for that purpose; the said board shall also write down, or cause to be written down, the name of each elector voting at such election, in a poll list, to be kept by said inspectors of election, or under their direction.

**Canvass,
how con-
ducted.**

Sec. 22. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in the State of Michigan.

**Proceedings
in case of a
tie.**

Sec. 23. The person receiving the greatest number of votes for any office in said city or ward shall be deemed to have been duly elected to such office; and if any officer, except alderman, shall not have been chosen by reason of two or more candidates having received an equal number of ballots, (votes,) the common council shall, by ballot, elect such officer from the two candidates having the highest number of votes.

**When term
to com-
mence.**

Sec. 24. All officers elected as hereinbefore provided shall enter upon the duties of their respective offices on the first Monday of May next following such election, unless otherwise herein provided.

**Clerk to no-
tify officers
elected.**

Sec. 25. It shall be the duty of the clerk of said city, as soon as practicable, and within five days after the meeting of the common council, as provided in the preceding sections, to notify the officers, respectively, of their election; and the said officers so elected and notified as aforesaid, shall within ten days after such notice, take the oath of office prescribed by the constitution of this State before some officer authorized by law to administer oaths, and file the same with the clerk of said city.

Sec. 26. Whenever a vacancy occurs in the office of alderman, by his refusal or neglect to take the oath of office within the time required by this act, by his resignation, death, ceasing to be an inhabitant of the city or ward for which he shall have been elected, removal from office, or by the decision of a competent tribunal declaring void his election, or for any other cause, the common council of said city shall immediately appoint a special election to be held in the ward for which such officer was chosen, at some suitable place therein, not less than five days nor more than fifteen days from the time of such appointment: *Provided*, That in case any such vacancy shall occur in the said office of alderman within three months before the first Monday of April in any year, it shall be optional with the common council to order a special election or not, as they shall deem expedient.

Sec. 27. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, except alderman, the common council may, in their discretion, fill such vacancy by appointment of a suitable person, who is an elector, and if appointed for a ward, who is also a resident of the ward for which he shall be appointed; and any officer appointed to fill a vacancy, if the office is elective, shall hold, by virtue of such appointment, only until the first Monday of May next succeeding; if an elective office, which shall have become vacant, was one of that class whose term of office continue after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

Sec. 28. Whenever a special election is to be held, the common council shall cause to be delivered to the inspectors of election in the ward where such officer is to be chosen a notice, signed by the clerk of said city, specifying the officer to be chosen, and the day and place at which such election is to be held, and the proceedings at such election shall be the same as at the annual or general election; such notice shall also be published in a newspaper of the city, at least once before the day of such special election: *Provided*, That if there be no news-
Vacancies in common council.
Other vacancies.
Special elections, how conducted.
Previous.

paper published in said city, then by posting up copies of notice in three of the most public places in said ward.

Acceptance. Sec. 29. Every person chosen or appointed by the council, before he enters upon the duties of his office, and within five days after being notified of his appointment, shall cause to be filed in the office of the city clerk a notice in writing, signifying his acceptance of such office.

Effect of failing to file acceptance. Sec. 30. If any person, elected or appointed under this act, shall not take and subscribe the oath of office, and file the same as therein directed, or shall not cause a notice of acceptance to be filed, as therein directed, or if required by the council to execute an official bond or undertaking, shall neglect to execute and file the same, in the manner and within the time prescribed by the common council, such neglect shall be deemed a refusal to serve, unless, before any step is taken to fill such office by another person, such oath shall be taken or such acceptance be signified, as aforesaid.

List of persons elected. Sec. 31. At the expiration of twenty days after any election or appointment of any officer or officers in the said city, the clerk of the said city shall deliver to the said common council a list of the persons elected or appointed, and of the offices which they are chosen therein, specifying as to such offices the time until his successor shall be elected and qualified.

Clerk to report officers failing to give bond. Sec. 32. The clerk shall report to the common council the names of such officers as shall have neglected to give the bond and security required by the provisions of this act.

Resignations. Sec. 33. Resignations by any officer authorized to be chosen or appointed by this act, shall be made to the common council subject to their acceptance and approval.

Electors, where to vote. Sec. 34. At city elections, every elector shall vote in the ward where he shall have resided ten days next preceding the day of election, otherwise he may vote in the ward from which he removed: *Provided*, He shall have resided in such ward ten days prior to such removal. The residence of an elector, married householder, under this act, shall be the ward where he (the elector) board or take his (their) regular meals.

Sec. 35. At any election held under this act, if, from any ^{Inspectors of election.} cause, either or all of the inspectors of election shall fail to attend any such election at the appointed time and place, his or their place may be supplied for the time being by the electors present, who shall elect any of their number *viuq voce*, who, when so elected, shall be duly sworn, by an officer authorized to administer oaths, to a faithful performance of their duties as such inspector or inspectors.

Sec. 36. The expenses of any election to be held as provided ^{Expenses of election; how paid.} by this act shall be city charges, and defrayed in the same manner as the other contingent expenses of the said city.

Sec. 37. Any person elected to any office under this act, at ^{Officers to hold until successors are elected and qualified.} the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed, and qualified; and when a person is elected to fill any vacancy in any elective office, he shall only hold the same during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified.

Sec. 38. The mayor and aldermen of said city shall constitute the common council. ^{Common council; who to be.} They shall meet at such times and places as they shall from time to time appoint, and on special occasions, whenever the mayor or person officiating as mayor, (in case of vacancy in the office of mayor, or in his absence from the city or inability to officiate,) shall by written or printed notice appoint, and which shall be served on the members in such manner, and for such time, as the common council may by ordinance direct.

Sec. 39. The mayor, when present, shall preside at the meetings of the common council, and in his absence the common council shall appoint one of their number who shall preside. ^{Mayor to preside.}

Sec. 40. No ordinance or resolution passed by the common ^{Ordinance; when not to be operative.} council shall have any force or effect if, on the day of its passage, or on the next day thereafter, the mayor, or other officer legally discharging the duties of mayor, shall lodge in the office of the city clerk a notice in writing, suspending the immediate operation of such ordinance or resolution. If the mayor, or

other officer legally exercising the office of mayor, shall, within three days after the passage of such ordinance or resolution, lodge in the office of the city clerk his reasons, in writing, why the same should not go into effect, the same shall not go into effect nor have any legal operation, unless it shall, at a subsequent meeting of the common council, be passed by a majority of two-thirds of all the members of the common council then in office, exclusive of the mayor, or other officer legally discharging the duties of mayor, and if so re-passed, shall go into effect according to the terms thereof. If such reasons, in writing, shall not be lodged with the clerk, as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been lodged with the city clerk, and no ordinance or resolution of the common council, for any purpose mentioned in this section, shall go into operation until after the expiration of twenty-four hours after its passage.

Clerk to notify council of objections made by the mayor.

Sec. 41. It shall be the duty of the city clerk to communicate to the common council, at the next meeting of the board, a paper that may have been lodged with him pursuant with the last preceding section.

Mayor to vote, when.

Sec. 42. In the proceedings of the common council, every member present shall have one vote, except the mayor, or other officer discharging the duties of mayor: *Provided*, That when there shall be a tie, the mayor, or other officer discharging the duties of mayor, shall give the casting vote.

Sittings of the council to be public.

Sec. 43. The sittings of the common council shall be public, except when the public interest shall, in the opinion of the common council, require secrecy. The minutes of the proceedings shall be kept by the clerk, and the same shall be open to all times for public inspection.

Votes; when to be entered on the minutes.

Sec. 44. Whenever required by two members, the votes of all the members of the common council in relation to any proceeding or proposition had at any meeting, shall be entered at large on the minutes, and such votes shall also be entered in relation to the adoption of any resolution or ordinance, rep-

of a committee, or other act, for taxing or assessing the citizens of said city, or involving the appropriation of public moneys.

Sec. 45. A majority of the common council shall be a ^{Quorum.} quorum for the transaction of business; but no tax or assessment shall be ordered, nor any appointment be made, except by a concurring vote of a majority of all the members of the common council; and the common council shall prescribe the rules for its proceedings.

Sec. 46. No member of the common council shall, during the period for which he was elected, be appointed to or be competent to hold any office, of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract as principal, surety, or otherwise, the expenses or consideration whereof are to be paid under any ordinance of the common council; but this section shall not be construed to prevent the mayor or clerk from receiving any salary which may be fixed by the common council, nor from holding any office, nor to deprive any alderman or justice of the peace of any emoluments or fees to which they may be entitled to by virtue of their office.

Members of council incompetent to receive appointment.

Sec. 47. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the ^{Council to have control of property of city.} management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to said city, and may make such orders and by-laws relating to the same as they shall deem proper and necessary; and further, that they shall have power within said city, to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they deem desirable within said city, for the following purposes:

First. To prevent vice and immorality; to preserve the public ^{To prevent vice and immorality.} peace and good order; to regulate the police of the city; to prevent and quell riots, disturbances, disorderly conduct and assemblages;

Second. To restrain and prevent disorderly and gaming

To restrain disorderly games and houses.

houses, and houses of ill-fame, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate and restrain billiard tables and bowling alleys;

To forbid the vending of liquors.

Third. To forbid and prevent the vending, or other disposition, of liquors and intoxicating drinks, in violation of the laws of this State, and to forbid the selling or giving, to be drank, any intoxicating liquors to any child or young person, without the consent of his or her parent or guardian, and to prohibit, restrain and regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law, and to fix the fees to be paid by and to auctioneers;

To forbid or regulate sports and exhibitions.

Fourth. To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other performances and exhibitions for money;

To abate nuisances.

Fifth. To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove or abate the same, from time to time, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of said city;

Slaughter houses.

Sixth. To direct the location of all slaughter-houses, markets, and buildings for storing gun-powder, or other combustible substances;

Gunpowder and fire-works.

Seventh. Concerning the buying, carrying, selling and using gun-powder, fire-crackers or fire-works manufactured or prepared therefrom, or other combustible materials, and the exhibition of fire-works, and the discharge of fire-arms, and the lights in barns, stables and other buildings, and to restrain the making of bonfires in the streets and yards;

Encumbering streets, etc.

Eighth. To prevent the encumbering of streets, side-walks, cross-walks, lanes, alleys, bridges, aqueducts, wharves or slips, in any manner whatever;

Horse racing.

Ninth. To prevent and punish horse-racing and immoderate driving or riding in any street, or over any bridge, and to

authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street, or over any bridge;

Tenth. To determine and designate the route and grades of Street rail-roads. any railroad to be laid in said city, and to restrain and regulate the use of locomotives, engines and cars, upon the railroads within said city;

Eleventh. To prohibit and regulate the bathing in any of the Bathing. public waters within the limits of said city, and to provide for cleansing Pine river of drift wood and other obstructions, within the limits of said city;

Twelfth. To restrain and punish drunkards, vagrants, mendicants, street beggars, and persons soliciting alms or subscriptions, for any purpose whatever; Beggars and drunkards.

Thirteenth. To establish and regulate one or more pounds, Pounds. and to restrain and regulate the running at large horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping and impounding;

Fourteenth. To prevent and regulate the running at large of Dogs. dogs, to impose taxes on the owners of dogs, and to prevent dog fights in the streets of said city;

Fifteenth. To prohibit any person from bringing and depositing within the limits of said city, any dead carcasses, or other unwholesome or offensive substance, and to require the removal or destruction thereof, if any person shall have on his or her premises such substances, or any putrid meats, fish, hides or skins of any kind, and on his or her refusal to remove the same forthwith, to authorize the removal or destruction thereof, by some officer of said city; Dead carcasses.

Sixteenth. To compel all persons to keep side-walks in front of premises owned or occupied by them, clear from snow, dirt, Side-walks to be cleaned. wood, or obstructions of any kind;

Seventeenth. To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction or other- Ring- ing bells and disturbing noises.

wise, and to prevent disturbing noises and obscene and improper language in the streets;

Watchmen. *Eighteenth.* To prescribe the powers and duties of watchmen and the fines and penalties for their delinquencies;

Establish line of buildings, etc. *Nineteenth.* To regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and to compel such buildings to be erected upon such line by fine upon the owner or builder thereof, not to exceed five hundred dollars;

Burial of the dead. *Twentieth.* To regulate the burial of the dead, and to compel the keeping and return of bills of mortality;

Markets. *Twenty-first.* To establish, order and regulate the markets, regulate the vending of wood, meats, vegetables, fruits, and provisions of all kinds, and prescribe the time and place for selling the same, and the fees to be paid by butchers for license: *Provided,* That nothing herein contained shall authorize the common council to restrict, in any way, the sale of fresh and wholesome meats by the quarter, within the limits of said city;

Reservoirs. *Twenty-second.* To establish, regulate and preserve public reservoirs, wells and pumps, and to prevent the waste of water;

Sextons and undertakers. *Twenty-third.* To regulate sextons and undertakers for burying the dead; carmen and their carts; hackney carriages and their drivers; omnibuses and their drivers; scavengers, porters and chimney sweeps, and their fees and compensation and the fees to be paid by them into the city treasury for license;

Runners and stage drivers. *Twenty-fourth.* To prevent runners, stage drivers and others from soliciting passengers or others to travel or ride in a stage, omnibus, or upon any railroad, or to go to any hotel otherwise;

Lighting of streets. *Twenty-fifth.* Concerning the lighting of the streets and alleys and the protection and safety of public lamps;

Hawking. *Twenty-sixth.* To regulate and restrain hawking and peddling in the streets, and to regulate pawn-brokers;

Twenty-seventh. To prescribe the duties of all officers and

pointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;

Duties compensation, and penalties.

Twenty-eighth. To preserve the salubrity of the waters of Pine river, or other waters within the limits of said city; to fill up all low grounds or lots covered, or partially covered, with water, or to drain the same, as they may deem expedient;

Twenty-ninth. To prescribe and designate the stands for carriages of all kinds, which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay and produce exposed for sale in said city.

Carriage stands.

Sec. 48. The common council may ascertain, establish and settle the boundaries of all streets and alleys in said city, and prevent and remove all encroachments thereon, and exercise all other powers conferred on them by this act, in relation to highways, common and other schools, the prevention of fires, the levying of taxes, the supplying the city with water, and all other subjects of municipal regulation, not herein expressly provided.

Boundaries of streets.

Sec. 49. The common council shall also have power, by ordinance or otherwise, to require the owners or occupants of any mill-race within the said city, to cover the same with bridges or arches, to be constructed with such materials as the common council shall direct, or they may direct the same to be covered in the same manner that other public improvements are directed to be made.

Mill races.

Sec. 50. Whenever the owner or occupant of any mill-race shall refuse or neglect, within such time as the common council shall have appointed, to cover such mill-race, in the manner and with the materials by them directed, it shall be lawful for the common council to cause the same to be done at the expenses

Mill races.

thereof, with damages at the rate of ten per cent, with costs of suit, from such owner or occupant.

Penalty for violation of ordinance.

Sec. 51. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty, not exceeding one hundred dollars or ninety days imprisonment, or both, in the discretion of the court, together with the costs of prosecution, for a violation of any of said ordinances, and may provide that the offender, failing to pay any fine, penalty or forfeiture, together with the costs of prosecution, may be imprisoned in the county jail of St. Clair county for any term not exceeding ninety days. Damages may be sued for and recovered, with costs, in the courts of the city of St. Clair.

Penalty; when to take effect.

Sec. 52. No ordinance of the common council, imposing a penalty, shall take effect until after the expiration of at least fifteen days after the first publication thereof in a newspaper published in said city, or by posting up a copy of said ordinance in a conspicuous place at the office of the clerk of the city.

Evidence of publication.

Sec. 53. A record of entry, made by the clerk of the city, or a copy of such record or entry, duly certified by the clerk, shall be prima facie evidence of the time of such first publication or posting; and all laws, regulations and ordinances of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board, in which it shall be necessary to refer thereto, either,

Ordinances to be evidence, &c.

First. From a copy certified by the clerk of the city, with the seal of the city of St. Clair affixed; or,

Second. From the volume of ordinances printed or written by the authority of the common council.

Purchase of lot for city cemetery.

Sec. 54. The common council shall have power to purchase and to hold a suitable lot or lots of land, within or without the corporation limits, for the purpose of a city cemetery or cemeteries, and they shall make such rules and regulations regulating the same as they may deem necessary, and may cause the same to be surveyed into suitable lots, and may dispose of

same to purchasers, and thereupon cause to be executed to such purchaser a good and sufficient deed, in the corporate name of said city, which deed shall be signed by the mayor and clerk of said city.

Sec. 55. The common council shall have power to purchase a ^{Potter's field.} potter's field, within or without the city limits, for the burial of the city poor, and may make such rules and regulations concerning the same as they may deem necessary.

Sec. 56. The common council shall have power, whenever in ^{City watch-house.} their opinion the necessities of the city require, to constitute a city watch-house, city hall and city market or markets, and to appoint the keepers, clerks and necessary officers thereof, and may locate such city watch-house, city hall and city market or markets, within or without the city limits, and may make such regulations concerning the same as the common council may think proper.

Sec. 57. *First.* The common council shall have and exercise ^{Powers of common council relative to taverns, &c.} in and over said city, the same powers in relation to the regulation of taverns, groceries, common victualers, saloon-keepers and others, as are now or may hereafter be conferred by the general laws of this State upon township boards, or upon corporate authorities of cities and villages, in relation to tavern-keepers and common victualers, and subject to the same conditions and limitations, in addition to the powers herein otherwise granted; and the general laws of this State now in force, or which may hereafter be enacted, in relation to the regulation of taverns, groceries and common victualers, shall be deemed applicable to this city, unless otherwise limited;

Second. No person shall engage in or exercise the business ^{Licenses must be obtained.} or occupation of tavern-keeper, inn-holder, common victualer, or saloon-keeper, within the limits of said city, until he is first licensed as such by the common council; and any person who ^{Penalty.} shall assume to exercise such occupation, without having first obtained such license, shall forfeit and pay, for every day he shall so exercise such occupation or business, the sum of two dollars, to be recovered by action of debt, in the name of the

city of St. Clair, before any justice of the peace, of said together with the costs of prosecution;

License; by
whom
granted.

Third. The common council shall have power to grant license to authorize persons to exercise the business of tavern-keeper, inn-holder, common victualer, or saloon-keeper, within said city, and may impose such fees, to be paid into the city treasury, as may be necessary for the granting of such license, as they may see fit.

City clerk.

Sec. 58. The city clerk shall be the sealer of weights and measures of the said city, and shall perform all the duties of a township clerk, so far as the same applies to the sealing of weights and measures, and the laws of this State relating to the sealing of weights and measures, shall apply to the city.

Settlement
with city
officers.

Sec. 59. On the last Tuesday in the month of April, in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city, or accounts with the city. Each officer or person shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each, the amount of taxes raised for general contingent expenses, the amount raised for lighting and watching the city, the amount of highway taxes and assessments for opening, paving, planking, repairing and altering streets, and building and repairing bridges, the amount borrowed on credit of the city, and the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial concerns of the said city.

Statement
of receipts.

Sec. 60. The said statement shall be signed by the mayor and clerk of said city, and filed with the papers in the city clerk's office; the same may be published by the clerk, at the expense of the city, in some newspaper thereof, to be designated by the common council, previous to the first day of May thereafter.

Sec. 61. It shall be the duty of the mayor to take care

the laws of the State and the ordinances of the common council be faithfully executed; to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and examine all complaints against them for neglect of duty; to recommend to the common council such measures as he shall deem expedient; to expedite such as shall be resolved upon by them, and in general to maintain the peace and good order, and advance the prosperity of the city. Duty of mayor.

Sec. 62. All official bonds of said city shall be deposited with the clerk of the city for safe keeping, and it shall be the duty of the clerk to deliver the same, together with all the books, papers and other property, to his successor in office. Official bonds.

Sec. 63. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws, or police regulations; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act. Duty of aldermen.

Sec. 64. The accounts and demands of all persons against said city shall be verified by affidavit, and shall set forth the items thereof in detail, which affidavits may be taken and certified by any member of said common council, or by any person authorized to administer oaths. Accounts; how verified.

Sec. 65. The clerk shall keep the corporate seal, and all the papers belonging to said city as a corporation, not properly by this act in the custody of some other person or officer thereof, and shall make a record of the proceedings of the common council, whose meetings it shall be his duty to attend, and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal, shall be evidence in all places, when produced, of the matters therein contained; Duty of clerk.

he shall countersign all licenses granted for any purpose whatever by the mayor or common council, and shall enter in an appropriate book the name of every person to whom a license shall be granted, and the number of such license, and the date thereof, and the time during which it is to be continued in force, and the sum paid for such license; no license, for any purpose granted, shall be valid until thus countersigned by the clerk.

Laws to be published.

Sec. 66. The clerk shall publish, at least one week, in a newspaper printed in the city, all the ordinances of the common council for the violation of which any penalty may be imposed, and all votes, ordinances and resolutions, directing the payment of money, shall be published at least once in like manner, within eight days after the passage of such vote, ordinance or resolution; he shall also perform such other duties as this act shall direct, or which may be directed by ordinance of the common council.

Deputy city clerk.

Sec. 67. The city clerk shall, immediately on entering upon the duties of his office, appoint a deputy city clerk, who shall take an oath of office, and file the same with the clerk, and in case of the absence, sickness, death or other disability of the clerk, such deputy shall perform the duties of such clerk, and receive the same compensation as the clerk would have been entitled to receive therefor."

Treasurer.

Sec. 68. The treasurer shall receive all moneys belonging to the city, and shall deposit and keep the same as directed by the common council, and shall keep an account of all receipts and expenditures in such manner as the common council shall direct. All moneys drawn from the treasurer shall be drawn in pursuance of an order of the common council, by warrant, signed by the clerk and countersigned by the mayor; and the clerk shall keep an accurate account, under appropriate heads, of all expenditures, of all orders drawn upon the treasurer, in a check book to be kept by him for that purpose: The books and accounts of the treasurer shall, at reasonable hours, be opened to the inspection of any elector of said city; the treasurer shall exhibit to the common council, at the last regular meeting in

the month of April, of each year, a full and fair account of the receipts and expenditures after the date of his or the last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and if found to be correct shall be filed.

Sec. 69. The attorney or counselor of the city shall perform ^{City attorney.} such duties, and exercise such powers, as shall be assigned to him by the common council by an ordinance duly enacted.

Sec. 70. The city marshal shall be superintendent of the city, ^{City marshal.} and it shall be his duty to superintend, under the general direction of the common council, all work to be done or performed, ordered or required to be done or performed, upon or in relation to any of the public streets, walks, bridges, sewers, or public pumps, reservoirs or grounds of said city, and to perform such other duties as by this act, or the ordinances or resolutions of the common council, shall be required. He may also serve all process that may issue from any court or magistrate of said city, the same as any constable, or the sheriff of the county of St. Clair, and with the same power and authority.

Sec. 71. The justices of the peace of said city shall file their ^{Justices of the peace.} oaths of office in the office of the clerk of the county of St. Clair, and shall have, in addition to the jurisdiction conferred by this act on them, the same jurisdiction, powers and duties conferred on justices of the peace in townships: *And provided further,* That all actions within the jurisdiction of justices of the peace may be commenced and prosecuted in the justices' courts of this city, when the plaintiff or defendant, or one of the plaintiffs or defendants, reside in the townships next adjoining this city, or in any of the townships of St. Clair county next adjoining the townships of China and St. Clair.

Sec. 72. It shall be the duty of justices of the peace of said ^{Duty of the justices of the peace.} city to keep their offices in said city, and to attend to all complaints of a criminal nature which may properly come before them, and they shall receive for their services, when engaged in cases for the violation of the ordinances of said city, such fees as the common council shall, by ordinance, prescribe.

Fines to be paid into the city treasury.

Sec. 73. All fines, penalties or forfeiture recovered before any of such justices, for violation of any city ordinance, shall, when collected, be paid into the city treasury, and each of said justices shall report, on oath, to the common council, at the first regular meeting thereof in each month, during the term for which he shall perform the duties of such justice, the number and name of every person against whom judgment shall have been rendered for such fine, penalty or forfeiture, and all moneys by him received for and on account thereof, which moneys so received, or which may be in his hands, collected on such fine, penalty or forfeiture, shall be paid into the said city treasury on the first Monday of each and every month, during the time such justice shall exercise the duties of said office; and for any neglect in this particular he may be suspended or removed, as hereinafter provided.

Bond of justices of the peace.

Sec. 74. In addition to the security now required by law to be given by justices of the peace, each of said justices of the peace shall, before entering upon the duties of his office, execute a bond to the city of St. Clair, with one or more sufficient sureties, to be approved by the mayor or city clerk of said city, which approval shall be endorsed on said bond, in the penalty of one thousand dollars, conditioned for the faithful performance of his duties as police justice of said city, and to pay over the moneys so collected, and make his report as in this act required, which bond shall be filed in the office of the treasurer of said city.

Conditions.

Duty of the justices of the peace.

Sec. 75. It shall be the duty of each justice of the peace, at the first regular meeting of the common council in each of the months of August, November, February and May, in every year, to account, on oath, before the common council, for all such moneys, goods, wares and merchandise seized as stolen property, as shall then remain unclaimed in the offices of either of the said justices of the peace, and immediately thereafter to give notice for four weeks, in one of the public newspapers printed in the county of St. Clair, to all persons interested or claiming such property: *Provided always*, That if any goods, wares, mer-

Provide.

chandise or chattels of a perishable nature, or which shall be expensive to keep, shall at any time remain unclaimed in the offices or possession of either of said justices, it shall be lawful for such justice to sell the same at public auction, at such time, and after such notice, as to him and the said common council shall seem proper.

Sec. 76. It shall be the duty of each of the justices of the peace aforesaid who may recover or obtain possession of any ^{Duty of justices of the peace.} stolen property, on his receiving satisfactory proof of property from the owner, to deliver such property to the owner thereof on his paying all necessary and reasonable expenses which may have been incurred in the recovering, preservation or sustenance of such property, and the expenses of advertising the same.

Sec. 77. It shall be the duty of each of the justices of the ^{Duty.} peace aforesaid to cause all property unclaimed after the expiration of the notice specified in the last preceding section but one of this act, money excepted, to be sold at public auction to the highest bidder, unless the prosecuting attorney of the county of St. Clair shall direct that it remain unsold for a longer period, to be used as evidence in the administration of justice, and the proceeds thereof forthwith to pay to the treasurer of the said city, together with all money, if any, which shall remain in his hands after such notice, as aforesaid, first deducting the charges of such notice and sale.

Sec. 78. The constables of said city shall have and receive ^{Constables.} the same fees, and have the like powers and authority, in matters of civil and criminal nature, as is conferred by law upon constables in the several towns of this State, and shall, if required by the common council, give like security.

Sec. 79. The said constables shall obey the orders of the ^{To obey orders of the} mayor and aldermen, or of any person legally exercising the ^{mayor.} criminal jurisdiction of a justice of the peace in said city, in enforcing the laws of the State, or the ordinances of said city, and in case of refusal or neglect so to do, he or they shall be subject to a penalty of not less than one nor more than twenty-five dollars.

Expenses in
criminal
cases.

Sec. 80. The expenses of apprehending, examining and committing offenders against any law of this State in the said city, and of their confinement, shall be audited, allowed and paid by the supervisors of the county of St. Clair, in the same manner as if such expenses had been incurred in any town of said county.

Superinten-
dent of city
cemetery.

Sec. 81. The superintendent of the city cemetery shall have the care of the city cemetery, and all the grounds or other property belonging thereto, subject to the ordinances and direction of the common council; he shall make such improvements upon the property as he shall think expedient, but shall not expend in any one year more than one hundred dollars, without the consent of the common council previously obtained, and he shall receive no pecuniary compensation for his services; and said superintendent shall report quarterly to the common council the amount expended by him in the improvement of said property; and it shall be the duty of said superintendent to publish an annual report in relation to the matters committed to his charge, in a newspaper printed in the said city, between the first and fifteenth days of February, in each year.

Director of
the poor.

Sec. 82. The director of the poor shall continue to perform such duties as are required of him by law; and the duties heretofore performed and required of the school inspectors of said city, shall hereafter be performed by the school board of St. Clair fractional union school district number one, and the clerk of said board shall make his annual report to the county clerk instead of the school inspectors, as heretofore required.

Other offi-
cers.

Sec. 83. The health physician, fire-wardens, common criers, pound-masters, inspectors of firewood and weigh-masters, shall perform such duties, and, if required, shall file such securities as the common council shall, by ordinance, direct.

Salaries.

Sec. 84. The common council shall annually determine the salary or compensation to be paid to the several officers of said city, within the limitations hereinafter prescribed, and which shall be as follows, to-wit: to the city clerk, in addition to his fees and perquisites prescribed by law, a sum not exceeding

one hundred dollars per annum; to the city marshal, as superintendent of streets and highways, a sum not exceeding one dollar and fifty cents per day, and at that rate for any part of a day actually spent in the performance of such duties; to each alderman of said city, (as such,) a sum not exceeding one dollar per annum; to the city attorney, a sum not exceeding two hundred dollars per annum; and they may also establish the fee or salary for all other officers of said city, whose fees are not prescribed by law, and whose compensation for services is required to be paid from the city treasury.

Sec. 85. The common council shall examine, settle and allow ^{Payment of demands.} all accounts and demands properly chargeable against said city, as well of its officers as other persons, and shall have authority to provide means for the payment of the same, and for defraying the contingent expenses of said city, subject only to the restrictions and limitations in this act contained.

Sec. 86. For the purpose of defraying the expenses and all ^{Levying of taxes.} liabilities incurred by said city, and paying the same, the common council may raise, annually, by tax levied upon the real and personal property within said city, such sum as they may deem necessary, not exceeding one-half of one per cent. on the valuation of such real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment roll of that year, and the sum or sums so to be raised shall be apportioned between the several wards of said city, in the manner in this act provided.

Sec. 87. The treasurer of said city shall collect all taxes ^{Collection of taxes.} levied or assessed in said city, and for that purpose such treasurer shall give a bond to said city, in such sum, and with such surety or sureties, as the common council shall require and approve; and such treasurer shall also give to the treasurer of the county of St. Clair such further security as is or may hereafter be required by law of the several township treasurers of the several townships of this State. For the purposes of the collection and return of all such taxes, and of the return of property delinquent for the non-payment of taxes, the said treas-

urer, on giving the bonds or security so required, shall possess all the powers, and perform all the duties respecting the collection and return of taxes, as this act imposes, and as prescribed by law of the several township treasurers of this State.

Oath of assessor.

Sec. 88. It shall be the duty of the assessor of said city, in each and every year, to make and complete the assessment of all the real and personal property within said city, in the same manner, and before the fourth Monday in May, as required by law for the assessment of property in the several townships of this State, and in so doing shall conform to the provisions of law governing the action of supervisors of the several townships of this State performing like services, and in all other respects, within said city, shall, unless when otherwise in this act provided, conform to the provisions of law governing the action of supervisors in the several townships of this State, in the assessment of property and the levying of taxes and the return of jurors; and shall, also, in each year, within twenty days after the time required by law for completing the assessment rolls in the several townships of this State, make and file with the city clerk of said city, a true and certified copy of the assessment roll for each ward for such year; and said city clerk shall receive and file the same in his office. It shall be the duty of the said assessor and the supervisors of the several wards of said city to meet at the clerk's office, on Thursday preceding the fourth Monday in May of each year, who shall be a board for the purpose of reviewing, correcting, equalizing and completing the assessments for said city.

Renewing tax rolls.

Delivery of tax rolls.

Sec. 89. The said assessor shall deliver the said tax rolls for each ward, so completed as aforesaid, to the mayor of said city, on or before the first Monday in June in each year, who shall deliver the same, with his warrants thereto annexed, to the treasurer of said city, within the time prescribed by law for the completion and delivery of the township tax rolls to the respective township treasurers of this State: *Provided*, Security has been given by such treasurer, as required by law, or in this act provided; but if such security has not been given by such

treasurer in the manner and within the time required, the common council shall immediately appoint some suitable person who shall, upon giving the requisite security, collect such tax rolls; and the person so appointed shall thereupon be entitled to receive said tax rolls, and shall collect and pay over such taxes, and make return of his doings thereon, in the same manner, and shall have all the powers, and shall perform all the duties, and shall be subject to all the same liabilities, in this act conferred upon the treasurer, for the purpose of the collection and return, and paying over such taxes.

Sec. 90. For the collection of all such taxes the treasurer, or other person appointed to collect the same, shall be entitled to receive such per centage as shall be prescribed by the common council by ordinance, not exceeding three per cent. upon the sum to be collected, which sum shall be added to the computation of taxes on said tax rolls of the respective wards of said city.

Sec. 91. It shall be the duty of the common council of said city, on or before the last Saturday preceding the first day of October in each year, to determine, by resolution, the amount necessary to be raised by tax for city purposes within said city for such year; and it shall be the duty of the city clerk to certify the amount so to be raised to the mayor of said city, on or before the first Monday in October in each year, and it is hereby made the duty of the mayor to apportion the same among the several wards of said city, according to the valuation of the property appearing upon the assessment rolls of the said several wards of said city for such year, as equalized by the board of supervisors for such year; and also to notify each of the aldermen of the several wards of said city of the amount so apportioned to their respective wards, within five days after the board of supervisors of the said county of St. Clair shall have completed the equalization of the valuation of the property in said city, and the townships of said county, for such year; and it is hereby made the duty of the mayor of said city to levy the

sum so apportioned, and such other taxes as may be required by law, upon the taxable property of such wards, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State.

Duties of aldermen.

Sec. 92. Within five days after the aldermen of each ward shall have been notified, as directed in the last preceding section, of the amount of general tax to be raised in their respective wards, they shall report to the common council the sum required to be raised in their several wards for local improvements, and such sum shall be levied and assessed by the mayor upon the taxable property of such ward, in addition to the general tax, and shall be collected by the treasurer and expended by the city marshal, under the direction of the common council, for the local improvements in such ward for which it was raised.

Tax to be a lien.

Sec. 93. The taxes so levied for city purposes shall be and remain a lien upon the property on which the same was levied in the same cases, to the same extent, and in like manner, as taxes required by law to be levied on property in the several townships of this State are liens upon such property; and all provisions of law respecting the return and sale of property for the non-payment of taxes for State, county and township purposes, shall apply to the return and sale of property for the non-payment of such city taxes, except as herein otherwise provided.

Proceeds of sale; how disposed of.

Sec. 94. The net proceeds of the sale of all property delinquent for the non-payment of city taxes, shall be paid to the treasurer of said city by the treasurer of the county of St. Clair, whenever required by the city treasurer, and the net proceeds of all sums paid to the treasurer of the county of St. Clair before sale, on account of property within said city returned delinquent for non-payment of city taxes, shall in like manner be paid to said city treasurer.

Taxes for school and other purposes; by whom levied.

Sec. 95. And in all cases where, by the general laws of this State, it is made the duty of the supervisors of the townships to levy and assess taxes upon the taxable property of such

ownships, for the purpose of raising all school funds and other moneys voted by the people, pursuant to lawful authority, it shall be the duty of the mayor of said city to levy and assess such taxes upon the taxable property of the several wards hereof.

Sec. 96. The assessor of said city and the supervisors of each ward thereof, shall represent the said city of St. Clair in the board of supervisors of the county of St. Clair, at all the sessions hereof, and the said assessor and supervisors are each hereby vested with all the powers and duties of supervisors, as provided by the laws of this State, not inconsistent with the provisions of this act, and as such shall each have an equal voice upon the said board of supervisors with the supervisors of the several towns of said county, at the annual and all other sessions of said board, representing the interests of said city therein.

Who to represent the city on the board of supervisors.

Sec. 97. It shall not be lawful for the common council (except as herein otherwise provided) to borrow any money, or authorize the creation of any liability or indebtedness against said city, in any one year exceeding in the aggregate the amount which by this act may be raised by tax for such year; and in case any sum or sums of money shall be borrowed by said common council in any one year, or the said common council, or any officer thereof, shall enter into any contract or contracts for the payment of money binding upon said city, the same shall be paid out of the sums raised by tax for such year, and all sums borrowed by said city shall be applied to the purposes for which the same was borrowed, and for no other purpose whatever; but nothing in this act contained shall be construed to prohibit said common council from making assessments, and levying and collecting taxes, for the purpose of local improvements.

Power to borrow limited.

How applied.

Sec. 98. All sums of money directed to be raised by the common council, except as in this act otherwise provided, shall be assessed upon all the real and personal estate in the said city, according to the valuation of the same, as from the valuation thereof by the last preceding assessment roll filed in the office of the city

Basis of taxation.

clerk; but no real or personal property which shall be exempt from taxation by the general laws of this State, nor any public square, park, or other public ground, shall be assessed for the ordinary city or county taxes.

Sinking fund.

Sec. 99. Whenever, by the provisions of this act, the common council shall be authorized to issue city bonds for the payment of any sum or sums of money, the said common council shall thereupon have the power to create a sinking fund for the payment of the interest as it falls due, and the extinguishment of the principal at the expiration of the time limited for the payment thereof, which fund shall be raised by a direct tax, which shall not exceed, in any one year, one-half of one per cent. on the valuation of the real and personal property within said city, and which shall be levied and collected in the same manner as other city taxes of said city are levied and collected, and when so collected the same shall be applied to the credit of said sinking fund, for the purpose of paying off the principal or interest upon the debt so created, as the same becomes due.

How raised.

Money how drawn from the treasury.

Sec. 100. No money shall be drawn from the city treasury unless it shall have been previously appropriated to the purpose for which it shall have been drawn, and all ordinances, resolutions and orders directing the payment of money shall specify the object and purpose of such payment, which shall be certified by the clerk and countersigned by the mayor, before the same shall be paid by the treasurer.

Monthly report.

Sec. 101. The treasurer shall, at the first regular meeting of the common council in each month, make report of the finances of said city, showing what appropriations and payments have been made out of each of the several funds of said city since his last preceding report, and of the state of each of said funds.

Powers of common council relative to streets.

Sec. 102. The common council of the city of St. Clair shall have full power to lay out, establish, open, extend, widen, straighten, alter, close, fill in or grade, vacate or abolish, any highways, streets, avenues, lanes, alleys, public grounds or spaces in said city, whenever they shall deem it a necessary public improvement, and private property may be taken there-

for; but the necessity for using such property, the just compensation to be made for the same, and the damages arising to any person from the making of said improvements, except the grading or closing of streets, shall be ascertained by jury of twelve freeholders residing in said city.

Sec. 103. Whenever the common council shall deem any such improvement necessary, they shall so declare by resolution, which shall be drawn by the attorney of the corporation, and in said resolution shall describe the contemplated improvement; and if they intend to take private property therefor, they shall declare such intention, and describe such property in said resolution with particularity sufficient for an ordinary conveyance thereof, and further declare that they will, on some day to be named in said resolution, apply to any justice's court of said city for the drawing of a jury to ascertain the necessity for using the property intended to be taken, if it be intended to take any for such improvement, to ascertain the just damages and compensation which any person may be entitled to if such intended improvement be made, and to apportion and assess such damages and compensation to and upon all lots, premises and subdivisions thereof, which will be benefitted by such improvement, and the time to be named for applying to said court shall be on a day subsequent to the required publication of said resolution.

Proceedings
when private
property is
taken.

Sec. 104. The common council shall give notice of the intended improvement, and of the intended application to said court, by causing a copy of said resolution, certified by the clerk of the city, to be published for four successive weeks in some newspaper published in said city; and the city marshal shall also give notice of said resolution by delivering a notice thereof, with a copy of such resolution annexed, to the owner or owners of private property intended to be taken, if they can be found in said city, which notice shall be directed to him or them; or if he or they cannot be found in said city, by leaving the same at their place of residence in said city, with some person of proper age; if they or their place of residence cannot

Notice of intended improvement.

be found, and such property be occupied, said notice and copy of said resolution shall be served by delivering the same to the occupant or occupants, or by leaving the same at their place of residence within said city, with some person of proper age; but if the owner or owners of such property, or their place of residence, cannot be found, and it be not occupied, or if it be occupied, but they, their place of residence and that of the occupants cannot be found, or if the owners or occupants be unknown or non-residents of said city, then, in either of such cases, notice of said resolution may be given by posting the same in some conspicuous place upon the property intended to be taken; the marshal shall give notice of said resolution as above directed, and make return of his doings, and of the manner of giving said notice, as soon as practicable after the passage thereof, which return shall be made to the said court at least six days before the day appointed in said resolution for the hearing of said application, and all persons interested therein, after notice given in manner aforesaid, shall take notice of and be bound by all subsequent proceedings without any further notice, except as herein otherwise provided.

Duty of clerk.

Sec. 105. The clerk of said city shall deliver to the attorney of the corporation a certified copy of said resolution of the common council, whose duty it shall be to appear in said court and make the application therein referred to, and conduct all further proceedings therein in behalf of the common council.

Marshal to write down list of jurors

Sec. 106. Upon the day designated in said resolution, or on some other day to be appointed by the court, and on filing a copy of said resolution and an affidavit showing the required publication thereof, the marshal shall attend said court and write down the names of twenty-four disinterested freeholders residing in said city, and who shall be approved by the court as such disinterested freeholders and residents, and qualified to serve.

Drawing.

Sec. 107. From such list each party may strike off six names; and in case of the absence or refusal of either party to strike off, the justice shall strike off for him six names from said list.

Said court shall then issue a summons commanding the marshal to summon said twelve persons to be and appear in said court to serve as jurors on some day to be named therein, which shall not be less than seven days after the issuing thereof; the marshal shall serve such summons at least three days before the return day thereof, and make return in the same manner as in the case of an ordinary venire for jurors for said court, and the persons thus summoned shall be bound to attend said court and serve until discharged; and said court shall impose upon them a fine not exceeding five dollars for each day's non-attendance in court or neglect to serve, but they may be exempted and excused by the court from serving for the same reasons for which jurors in the circuit court may be exempted or excused.

Fine for non-attendance.

Sec. 108. If, in consequence of jurors being exempted, excused or set aside, there shall not be in attendance a jury, the marshal shall forthwith, under the order of the court, summon such number of persons as the court shall deem necessary, and may order them to be and appear in said court to serve as jurors, and the persons thus summoned shall be returned, be bound to attend said court and serve, and be competent to form the jury in the same manner, and to the same effect, as these first mentioned.

Deficiency; how made up.

Sec. 109. The first twelve persons who shall appear, and shall be approved by the court as qualified, shall be the jury, and shall be sworn to discharge the duties imposed upon them by this title faithfully, impartially, and according to the best of their abilities; said court shall then instruct said jury as to their duties and the law applicable to the case, and deliver to them a copy of the resolution of the common council, as filed in the said court, certified by the clerk thereof.

Oath of jurors.

Sec. 110. Each of said jurors shall go to the place of the intended improvement, and upon or as near as practicable to any property intended to be taken and described in said resolution, as the case may be, which will be damaged or benefitted if the intended improvement be made.

Jury to view the premises.

Estimate of
the dam-
ages.

Sec. 111. Said jury shall then ascertain the necessity for using the property intended to be taken, if it be intended to take any such improvement, the just damages and compensation to be paid to the owner or owners of any property intended to be taken for, or that may be damaged by, the intended improvement, and award to the owner or owners thereof such damages and compensation as they shall deem just. If such property shall be subject to a valid mortgage, lease, lien, levy or agreement, or to either, then said jury shall apportion and award to the owner or owners of such property, the parties in interest to such mortgage, lease, lien, levy or agreement, or to either of them, such portion of the damage and compensation as they shall deem just.

Damages to
be assessed
upon prop-
erty bene-
fitted.

Sec. 112. Said jury shall apportion and assess the total damages and compensation to be paid in any case to and upon all lots of land, premises or subdivisions thereof, which will be benefitted if the intended improvement be made, apportioning and assessing to and upon each such portion of said total damages and compensation as they shall deem just: *Provided, however,* That if the total damages and compensation to be awarded to any person or persons, as above, shall exceed the total benefits to be apportioned to and assessed upon any property for the benefit such property will receive, then such excess shall be apportioned and assessed to the city of St. Clair.

Proviso.

Report of
jury.

Sec. 113. Said jury shall then make, in writing, and each shall sign a report to said court of their doings, enclose the same in a sealed envelop, and file it in said court within thirty days after they are sworn.

What re-
port is to
state.

Sec. 114. Said jury shall state in their report the just damages and compensation ascertained and awarded by them to the owner of any private property, or to any person claiming an interest therein by virtue of any mortgage, lease, lien, levy or agreement, or either, to which such property may be subject, together with the name of such owner or claimant, if known, and a description of the property intended to be taken. In case any damage and compensation be awarded to any person claim-

ing an interest in such property by virtue of any valid mortgage, lease, lien, levy or agreement, or either, to which such property may be subject, it shall be sufficient to state further in such case the name of such interested party, the date of such mortgage or other instrument, or assignment thereof, if there be any, by virtue of which such interested party has an interest in the property intended to be taken.

Sec. 115. Said jury shall also state in their report what portions in amount of the total ascertained damages and compensation they have apportioned to and assessed upon any lot, premises or subdivision thereof, which will be benefitted by the intended improvement, together with the names of the owners thereof, if known, and a description of the same; and also what portion, if any, of the ascertained damages and compensation they have apportioned and assessed to the city of St. Clair in the case above provided for.

Sec. 116. Said report may be confirmed by said court at any time when said court may be regularly in session, and said court shall appoint some day when it will consider said report, and objections against the confirmation thereof, on the part of all persons interested therein, whereof the city attorney shall give notice, by publishing or posting a notice thereof, for one week; objections, if any, shall be filed with the court in writing, but may be argued; and the consideration of said report and objections may be adjourned from time to time, until said report be confirmed or otherwise disposed of, as herein provided.

Sec. 117. Said report shall not be annulled for objections to matters of form; all objections shall be objections of law, and to matters of substance; but the damages and compensation to be paid to any person, or the portions thereof apportioned to and assessed upon any lot of land, premises or subdivisions thereof, may be inquired into, if objected to as being excessively large or small.

Sec. 118. If no objections be filed said report shall be confirmed; but if objections be filed, said court, after considering

the same, and after argument thereon, shall, in its discretion, confirm or annul said report, or may refer it back to the same jury, for the purpose of reviewing all matters and correcting all errors therein contained, and making any alterations thereof which said court may direct, or said jury may deem just or necessary; and thereupon said jury shall review, correct or alter said report in manner aforesaid, and return and file the same with said court within five days after such report was referred back to them as aforesaid, and thereupon said court shall confirm or annul said report.

Provisions
for a jury

Sec. 119. If said report be annulled, or the jury cannot agree, or from death, sickness or any other cause, shall fail to make a report within the thirty days required above, the court may, on the application of the attorney, designate some day when another jury may be had, and such jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualifications, be sworn, and when sworn have the same powers and duties as the first jury; the same proceedings, after they are sworn, shall be had by them, and by and in said court, as provided for above after the first jury is sworn.

Vacancies.

Sec. 120. If any juror, after being sworn, shall die, or from sickness or any other cause be unable to discharge his duties, the court may appoint another person to serve in his place, who shall be sworn, and shall have the like qualifications, powers and duties, as those already sworn.

Appeal to
circuit
court.

Sec. 121. Any person to whom damages and compensation may be awarded for any of his property intended to be taken, or on account of the intended improvement, or to and upon whose property any portion of such damages and compensation may be apportioned and assessed, considering himself aggrieved, may appeal from the judgment of the court confirming the report of the jury to the circuit court for the county of St. Clair, by filing, in writing, with the said court a notice of such appeal, and specification of the errors complained of, within five days after the confirmation, and serving, within the same time, a copy of said notice and specification of errors on the

attorney of this corporation, and filing a bond in said justice's court, to be approved by said justice, conditioned for the prosecution of said appeal, and the payment of all costs that may be awarded against the appellant, in case the judgment of the justice's court be affirmed.

Sec. 122. In case of appeal as above, it shall be the duty of ^{Appeal.} the justice's court aforesaid forthwith, or as soon as practicable, to transmit to the said circuit court a certified copy of all the proceedings in the case, which may be filed in said court.

Sec. 123. The said circuit court, at any term thereof, shall, ^{Proceedings on appeal.} with the least practicable delay, hear and try the matters of said appeal, and may affirm or reverse the judgment of the justice's court confirming the report of the jury, but the same shall not be reversed for matter of form, nor for any errors, except errors of law, and only in regard to the appellant or appellants. The court shall give judgment for reasonable costs and expenses in the matter of said appeal and proceedings thereon to be taxed, and all costs and expenses awarded to the city in case of affirmation shall be applied on and deducted from the damages and compensation, if any, to be paid to the appellant or appellants.

Sec. 124. If there be a reversal for any errors which it is ^{Proceedings on appeal.} practicable for the court to correct, with due regard to the public interests and rights of individuals, the proceedings shall be remanded to said court, with directions that such errors be corrected. Said court or the jury, as the case may be, shall thereupon correct such error, and then the jury shall correct their report accordingly.

Sec. 125. In case of every amendment of the report of the ^{Proceedings in case of annulment.} jury by the court, or reversal by the circuit court, the common council, in behalf of said city, may, by resolution, elect to pay the damages and compensation claimed by, or the assessment made upon the property of the objector, appellant or appellants, on filing a certified copy of said resolution in the said court, within twenty days after the annulment or reversal, the report of said jury shall be reviewed and confirmed by said court as

to all persons interested therein, except the objector, appellant or appellants, and without further right of appeal. If the common council do not elect, as above provided, all the proceedings shall be null and void, and no further proceedings shall be had, except in a case of reversal, when the proceedings may have been remanded to the court for the correction of certain errors, in which case such errors shall be corrected, and the report of jury confirmed as above provided.

Confirmation to be final.

Sec. 126. If the report of the jury be confirmed by the court in any case above provided for, or if the judgment of confirmation be affirmed on appeal to the circuit court, such confirmation shall be final and conclusive as to all persons interested therein; and the damages and compensation apportioned to and assessed upon any lot of land, premises or subdivision thereof, according to said report as confirmed, shall be a lien thereon from the time of the aforesaid confirmation until they are paid and satisfied.

Copy of report to be filed.

Sec. 127. When the report of the jury shall have thus been fully confirmed, or the judgment of confirmation affirmed by the circuit court, the court shall prepare a certified copy of the report of the jury as confirmed by the court, and of the order of the court confirming the same, and shall file said certified copy in the office of the clerk of the city, who shall record the same in a book to be provided, used and known as a book of street records. Such certified copy, such record, or a like copy made and certified by the court, shall, in all courts and places, be presumptive evidence of the matters therein contained, and of the regularity of all proceedings from the commencement thereof to and including the order of the court confirming the report of the jury.

Copy to be evidence.

Collection of amounts assessed upon property benefited.

Sec. 128. The amounts apportioned to and assessed upon all lots of land, premises or subdivisions thereof, for the benefits they shall receive, shall be paid to the treasurer of said city, in case of confirmation of the report of the jury as above provided, or in case of the confirmation as aforesaid being affirmed by the circuit court, and warrant or warrants authorizing the collec-

tion thereof shall be issued, as soon as practicable, under the hand of the mayor of the city, directed to the treasurer thereof; and in the collection of such assessments, the said treasurer shall proceed in the same manner, and shall levy, collect and make return to the city clerk of the sums remaining uncollected, with a description of the lots, premises and subdivisions, or parts or portions thereof, upon which such tax was assessed, and which remains unpaid as aforesaid, and the city clerk shall report the same to the mayor, and the mayor shall assess the same upon his assessment and tax roll upon such premises, and the same shall be thereupon collected and returned, and the same proceedings had for the collection and return thereof, and for the sale of such premises for the non-payment of such assessment and the charges accruing thereon, as is provided by this act in the case of the collection of assessments made for public improvements in said city.

Sec. 129. Within nine months after the confirmation of the report of the jury, or after the judgment of confirmation shall, on appeal, be affirmed, the common council shall pay or tender to the respective persons the several amounts of damages and compensation awarded to them, according to the report of the jury as confirmed or elected, as above provided for, to be paid by the common council; and in case any such person shall refuse the same, be unknown, or a non-resident of said city, or for any reason incapacitated from receiving his or her amount, or the right thereto to be disputed or doubtful, the common council may deposit the amount awarded in such case, or elected to be paid by the common council, in the treasury of the city, to the credit of any person entitled thereto, and shall, on demand, pay the same over to any person or persons competent and entitled to receive it, and the treasurer shall take receipt and voucher therefor.

Amount of damages to be paid or tendered.

Deposited in the city treasury.

Sec. 130. Upon such payment, tender, or deposit in the city treasury, the fee and ownership of the land and property to be taken, with its appurtenances, shall be fully vested in the said city, and the common council may enter upon and take possession of the same.

Upon payment property to vest in city.

sion of and convert the same to the uses and purposes for which it has been taken. A certificate of the city treasurer of such tender, payment or deposit, or record thereof in the books of the street records, or certified copy of such record, shall, in all courts and places, be presumptive evidence of the facts therein stated, of the vesting of the fee of the property taken in the city, and of the right of the common council to take possession of and convert the same to the uses for which it has been taken.

Encumbered property

Sec. 131. In all cases where any real estate subject to any lease or agreement shall be taken as aforesaid, all the covenants and stipulations contained therein shall cease, determine and be discharged, upon the final confirmation of the report of the jury, or upon the affirmation by the circuit court of the judgment of confirmation. If a part only of such real estate be taken, said covenants and stipulations shall cease, determine and be discharged only as to such part; and the court, on application of any party in interest to such lease or agreement, and after notice thereof of eight days, in writing, to the other parties in interest, may appoint three disinterested residents and freeholders of said city commissioners to determine the rents and payments thereafter to be made, and the covenants, stipulations or conditions thereafter to be performed under the lease or agreement, in respect to the residue or part of such real estate not taken. Said commissioners shall, before entering on their duties, take and subscribe an oath, to be administered by the court, faithfully to discharge their duties, which oath shall be filed in said court. Said three commissioners shall make and sign a report in writing of their doings to said court, which shall be filed therein within thirty days after their appointment, and said report, on being confirmed by the court, shall be binding and conclusive on the parties in interest to such lease or agreement, and the fees and expenses of proceedings under this section shall be borne in whole or in part by the parties to such lease or agreement, or either of them, or by the city, in the discretion of the common council.

Commissioners.

Oath.

Duties.

Sec. 132. The duties above to be performed by the marshal ^{Constables; when may} of said city, in case of the inability of such marshal, whether by absence, sickness or interest in the subject matter of the proceedings, may be performed by either of the constables of said city.

Sec. 133. The common council shall pay said jury such compensation as they may deem just for their services, and the common council shall have power to abandon or discontinue proceedings under this chapter in said court, at any time before the final confirmation of the report of the jury. ^{Compensation of jury.}

Sec. 134. The common council shall be commissioners of highways for said city, and shall have the care and supervision of ^{Commissioners of highways} the highways, streets, bridges, lanes, alleys, parks and public grounds therein; and it shall be their duty to give directions for the repairing, preserving, improving, cleansing and securing of such highways, bridges, lanes, alleys, parks and public grounds, and to cause the same to be repaired, cleansed, secured and improved from time to time, as may be necessary; to regulate the roads, streets, highways, lanes, parks and alleys already laid out, or which may hereafter be laid out, and to alter such of them as they shall deem inconvenient, subject to the restrictions contained in this act; to cause such of the streets and highways in said city as shall have been used for six years or more as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described and recorded in the office of the city clerk, ^{Certain highways to be recorded} in the book of street records, and the recording of such highways, streets, lanes, alleys or public grounds so ascertained and described, or which shall hereafter be laid out and established by the said common council, and recorded in the book of street records in the office of the clerk, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley or public ground therein described; to divide said city, from time to time, into so many highway ^{Highway districts.} districts as they shall deem expedient, by an ordinance or resolution entered in their minutes; to appoint and assign to each

Inspectors
of streets.

of such districts so many inspectors of streets as they shall, from time to time, deem proper, and such inspectors shall, in all cases when required by the common council, give such securities as said council shall require for the faithful performance of their duties, and the council may assign to such inspectors such duties in relation to the opening, laying out, making, repairing and preserving the streets, highways, lanes, alleys, parks, squares and public grounds of said city, as they may deem expedient; and the said inspectors, when so appointed by the council, shall possess all the powers, and be subject to all the liabilities, of overseers of highways in the several townships of this State, so far as the same may be applicable to said city under the provisions of this act.

Their powers and duties.

Sewers,
drains, &c.

Sec. 135. The common council shall have power to cause common sewers, drains and vaults, arches and bridges, wells, pumps and reservoirs, to be built in any part of said city; to cause the grading, raising, leveling, repairing, amending, paving or covering with broken or pounded stone, plank or other material, any street, lane, alley, highway, public ground or side-walk of said city.

Discontin-
uing streets

Sec. 136. The common council shall have the same power in relation to discontinuing any street, highway, lane or alley in said city, in addition to the power hereinbefore granted, which the commissioners of highways in townships have or may hereafter receive in relation to town highways, and they may adopt the same proceedings to effect such object, as near as may be, as the commissioners of highways in townships are or may be, by law, required to adopt; and appeals may be taken to the circuit court of St. Clair county in like manner, as far as practicable, as appeals are now or may hereafter, by law, be taken from the decisions of highway commissioners in townships, and the said court is hereby authorized and empowered to hear and determine such appeals.

Appeals.

Expense for
improvements;
how defrayed.

Sec. 137. Whenever the common council shall determine that the whole or any part of the expenses of any public improvement not requiring the taking of any land by the said city, shall

be defrayed by an assessment on the owners or occupants of houses and lands to be benefitted thereby, they shall declare the same by entry in their minutes, and after ascertaining, as they may think proper, the estimated expense of such improvement, they shall declare, by an entry in their minutes, whether the whole or what portion thereof shall be assessed to such owners and occupants, specifying the sum to be assessed, and the portion of the city which they deem to be benefitted by such improvements; the costs and expenses of making the estimates, plans and assessments incidental thereto shall be included in the estimated expenses of such improvement.

Sec. 138. The common council shall thereupon make an order ^{thid.} reciting the public improvement so as aforesaid intended to be made, the amount of expense to be assessed as aforesaid, and the portion or part of the city on which the same is to be assessed, designating and directing three resident freeholders of said city, not interested in any of the property so benefitted, nor of kin to any person interested, to make an assessment upon all the owners or occupants of lands and houses within the portion or part so designated, of the amount of expense in proportion, as nearly as may be, to the advantage which each shall be deemed to acquire by the making of such improvements; which order shall be certified by the clerk of the city and delivered to one of said commissioners, together with a map or profile of the proposed improvement, in cases where the same is practicable.

Sec. 139. It shall be the duty of said commissioners so designated and appointed by the common council, to meet together ^{Commissioners, &c.} at such time and place as the common council shall appoint, or in case said council do not so appoint, as said commissioners shall themselves agree upon, and thereupon said commissioners shall severally take and subscribe an oath before some officers or officer by law authorized to administer the same, that they are not interested in the premises described in said order, and not of kin to any person so interested, and that they will faith-

fully and impartially discharge the duty imposed upon them by said owner, [order,] which said oath shall forthwith be returned and filed with the city clerk.

To assess
the expen-
ses, &c.

Sec. 140. The commissioners thus sworn shall proceed to make an assessment according to the said order, and shall make out an assessment roll, in which shall be entered the names of the persons assessed, the value of the property for which they are assessed, the amount assessed to each of them respectively, and in case any lots or parts of lots shall be occupied, belonging to any person residing in the said city, such person shall be assessed for the same, and his name entered accordingly; and in case such lots or parts of lots shall belong to a non-resident, or owner or owners unknown, the same shall be entered accordingly, with a description of such lots or premises as is required by law in assessment rolls made by supervisors of towns, with the value thereof, and the amount assessed thereon, which assessment shall be subscribed by them, or a majority of them, who acted in the premises, and returned as speedily as may be to the common council of the said city.

Compensa-
tion.

Sec. 141. The said commissioners shall receive such compensation for their services as shall be allowed them by the common council, to be paid out of the contingent fund of the said city, not exceeding two dollars per day for each.

Appeals
from assess-
ments.

Sec. 142. Upon such return being made and filed, the clerk of said city shall cause notice of the names being returned to his office to be published in a newspaper of the said city for at least ten days, and that the common council will, on such day as they shall appoint, proceed to hear any appeals from the said assessment.

Proceedings
on appeals.

Sec. 143. At the day appointed for that purpose, and such other days as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment list in whole or in part, or may set the same aside and direct a new assessment, either by the same persons or by such other persons as the common council shall

appoint for that purpose; and in such case the same proceedings shall be had as are herein provided upon the first order of the assessment, or the said common council may ratify and confirm such assessment without any correction, or with such corrections therein as they may think proper.

Sec. 144. Every assessment so ratified and confirmed by the common council, as aforesaid, shall be final and conclusive, and the same shall remain and continue a lien upon the premises assessed for such tax. Within ten days after such assessment shall have been so ratified, the mayor shall affix to such assessment and tax roll his warrant for the collection thereof, which warrant shall direct the treasurer to collect the same within the time prescribed by the resolution of the common council; and the said assessment and tax roll, with the warrant of the mayor annexed, shall be delivered to said treasurer within ten days aforesaid, who shall thereupon be authorized to levy and collect the same by distress and sale of personal property upon said premises, or in possession of the person chargeable with such tax; and in case sufficient personal property cannot be found whereon to levy and collect such tax, the treasurer shall, within five days after the time prescribed by his warrant for the collection thereof has expired, make a report to the city clerk of the sums so remaining unpaid, which he was unable, for want of such personal property, to levy and collect the same, together with the description of the premises assessed for such unpaid taxes; and the city clerk, within five days thereafter, shall, in like manner, notify the mayor of the amount of such taxes, and the description of the premises assessed and chargeable with such tax, who shall assess such unpaid taxes on such premises in the tax roll next thereafter to be made, and such tax shall then be levied, collected and returned, and the said premises may be sold for non-payment thereof, as provided by law for the non-payment of the ordinary city taxes.

Confirmation to be final.

Collection authorized.

Unpaid taxes.

Sale of premises authorized.

Sec. 145. In cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed, in law, the person who ought to bear and pay

Owner and not tenant liable for taxes.

every assessment made for the expense of any public improvement in the said city.

May sue for
and recover

Sec. 146. Where any such assessment shall be made upon or paid by any such person, when by agreement or by law the same ought to be borne or paid by any (other) person, it shall be lawful for the one so paying to sue for and recover of the person bound to pay the same, the amount so paid, with interest.

Agreements
not affected.

Sec. 147. Nothing herein contained shall impair, or in any (way) effect any agreement between landlord and tenant, or other persons, respecting the payment of any such assessments.

Excess re-
turned to
owner.

Sec. 148. If, upon completion of any such improvement for which such assessment shall have been made, it shall appear that a greater amount has been assessed and collected than is necessary to defray the expenses thereof, the common council shall apportion such excess among the persons and property assessed, in proportion to the amount collected of them, and shall pay the same to such persons and the owner of such property entitled thereto, on demand.

Deficiency;
how sup-
plied.

Sec. 149. If it shall appear that a greater sum of money has been expended in the completion of such improvement than was estimated, as aforesaid, the common council may direct the assessment of the same on the owners and occupants of houses and lands benefitted by such improvements, in the same manner as herein above directed, and the same proceedings, in all respects, shall be had thereon, and the common council may enlarge the territory to be assessed for such improvements.

Assessment
a lien.

Sec. 150. Every tax or assessment for public improvements, or for any other purposes, authorized by this act, except as herein otherwise provided, assessed upon any lands, tenements or real estate, or upon the owners or occupants thereof, shall be and remain a lien upon such lands, tenements and real estate, on which, or in respect to which, the same shall be made, from the time of filing the roll containing the same with the city clerk, until the same shall be paid or satisfied.

Sec. 151. Whenever the common council shall deem it expedient to construct any side-walk or pavement, or plank any

street within the said city, they may, by ordinance or otherwise, require the owner or occupant of any lot or house adjoining said street, to lay such side-walk, or construct such pavement, or plank such street, to the middle of the said street, in front of his or her lot or house; or they may direct such side-walks and pavements, and such streets to be planked, to be made according to the provisions of this act. The common council may, in like manner, by ordinance or otherwise, under such penalty or penalties as they may prescribe, require the owners and occupants, or either, of land in said city, or in any specified part thereof, to repair, maintain and reconstruct side-walks, pavements and street improvements, adjoining their respective premises, to the middle of the street or alley, in such manner as the common council, by ordinance or otherwise, may direct; the expense to which any occupant or tenant may be thus subjected, may be collected by him from the owner of the premises, unless otherwise agreed, or unless such tenant or occupant be bound to bear such expense by the terms or nature of the agreement under which he holds the premises.

Side-walks and pavements; by whom to be constructed

Reconstruction and repairs.

Sec. 152. Whenever the owner or occupant of any lot or house shall refuse or neglect, within such time as the common council shall have appointed, to conform to any regulation made by the said council for widening streets, or for any other purpose, it shall be lawful for the said common council to cause such regulations to be enforced at the expense of the city, and to recover the amount of such expenses, with damages, at the rate of ten per cent., with costs of suit, from the owner or occupant of such house or lot, whose duty it was to conform to such regulation; or may add thereto ten per cent., and return the same to be assessed and collected in the same manner as the ordinary city taxes are collected, and shall be a lien upon the premises, as any other taxes.

Proceedings if owner neglect.

Sec. 153. The common council are authorized to assess the lands of non-residents of said city their just proportion of the expenses of cleaning and repairing streets and side-walks, and removing nuisances, and the said expense shall be assessed in

Taxes on property of non-residents.

Obstructions, &c.,
on side-
walks; how
removed.

the same manner, and the amount so assessed shall be collected in the same manner, and the same proceedings shall be had in case of the non-payment of the same, as in relation to the assessments for public improvements in the city, except as the common council may otherwise determine or direct. It shall, in all cases, be the duty of the owner or occupant of every lot or parcel of land in said city, to keep the side-walk adjoining his lot or piece of land in good repair, and also to remove and clear away all snow and ice, and other obstructions from the side-walk. If any owner or occupant, after notice so to do, shall have been posted on the premises, or otherwise given, served or published, as the common council may direct by ordinance, resolution or otherwise, shall fail or neglect so to do, for such time, not less than twenty-four hours, as the common council, by a general or special ordinance, resolution or otherwise, may fix, the common council may cause the same to be done at the expense of the city, and may add such expense (not exceeding thirty dollars on any lot or piece of land in any year) to the amount of the general city tax on such land, in the next general assessment rolls of said city, and such amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and (if not paid or collected) the land sold therefor, in the same manner as if for general city taxes.

Highway
taxes; who
liable for.

Sec. 154. Every person owning or occupying lands or tenements in the said city, and every male inhabitant thereof over the age of twenty-one years and under fifty, except as herein after provided, residing in said city, shall be assessed for highway taxes in said city; and the lands and tenements of non-residents, situated in said city, shall be assessed for highway taxes, as hereinafter provided.

List furnished by
supervisor.

Sec. 155. The supervisor of each ward of said city shall, on or before the fifteenth day of May in each year, furnish the common council with a list, subscribed by him, of the names of all the inhabitants of his ward who are liable to be assessed for highway taxes.

Sec. 156. The common council shall, in the month of May in ^{Assessment of highway taxes.} each year, make out from the assessment roll in said city, a separate list and statement of the value of all the taxable personal property, and a description of all lots or parcels of land within each highway district in said city, inserting in a separate part of said list, descriptions of lands and tenements owned by non-residents of the city, with the value of each lot or parcel set down opposite to such description, as the same shall appear on the assessment roll; and if such lot or tract was not separately described in said roll, then in proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part.

Sec. 157. In making the estimate and assessment of highway taxes, the common council shall proceed as follows:

First. Every male inhabitant in each ward, being above the ^{Amount assessed.} age of twenty-one and under fifty, except paupers, idiots and lunatics, and other persons exempt by law from taxation for highway purposes, shall be assessed fifty cents;

Second. The residue of the highway taxes shall be assessed, ^{not exceeding fifteen cents upon every one hundred dollars of the valuation, shall be apportioned upon the estate, real and personal, of every inhabitant in each highway district in said city, and upon each of the tracts or parcels of land in the respective highway districts of which the owners are non-residents, as the same shall appear from the assessment roll;}

Third. The common council shall affix to the name of each ^{Amount added to assessment.} person named in the list furnished by the supervisors and not assessed upon the assessment roll, and also to each valuation of property within the several highway districts, the amount of which such person or property shall be assessed for highway taxes, adding fifty cents to the assessment of each person between the age of twenty-one and fifty years, liable to such assessment upon the city assessment roll.

Sec. 158. The said tax list shall be made in duplicates, and ^{Tax lists to be made in duplicates.} signed by the mayor, one of which shall be filed with the city clerk and the other shall be put into the hands of the treas-

urer for collection, who shall, before receiving the same, give such security as the common council may require, for the faithful discharge of his duties.

Collection. Sec. 159. Whenever the said tax list shall have been delivered to the treasurer, with the warrant of the mayor annexed, for collection, he shall give notice and proceed in like manner, as near as may be, to collect said tax, as hereinbefore provided for the collection of the ordinary taxes of said city.

Taxes kept separate. Sec. 160. The taxes assessed and collected in each ward shall be kept separate, and when collected the treasurer shall enter the respective amounts so paid in a book to be kept by him for that purpose, to the credit of the ward from which they were collected.

Moneys to be paid into the treasury. Sec. 161. The moneys so collected and paid into the treasury as aforesaid, shall constitute the highway fund of said ward in said city, and shall be applied as follows:

Duty of marshal and street inspector. *First.* The marshal, or the street inspectors of the several ward districts, under the general supervision of the marshal, as the council shall direct, shall at all times keep the streets, bridges, culverts or drains allotted to them to oversee, in thorough repair and free from obstructions; they shall report, on oath, to the common council once in each month, which report shall contain an accurate statement of the amount of labor performed, and at the expense necessarily incurred for material, and the streets upon which the same was performed, or the expense incurred, and their charges for the same;

Monthly report of expenses. *Second.* The common council shall examine such report, and if satisfied of its correctness, and that the charges therein made are just and reasonable, they shall accept it and order it filed; but if they are satisfied it is incorrect, or that the charges therein are unreasonable, they shall alter the same as they think proper, and shall allow such charges as they shall deem just and equitable; they shall then let said report lay upon the table for one week; and if not withdrawn by the inspector, by filing a notice, in writing, to that effect with the city clerk in

Action of the common council on the report.

that time, they shall accept it and order it filed as corrected by them;

Third. When any such report is filed, the mayor shall draw an order on the highway fund of the district in which the repairs were made, and to the amount of such charge in said report, payable to the said inspector or marshal, as the case may be, which order shall be countersigned by the clerk, and upon presentment, the city treasurer shall pay from the funds of such district, if there be any money in the treasury belonging to such district, and enter the same to the debit of the fund of such district, in a book to be kept by him for that purpose;

Fourth. No money belonging to one ward or district shall be applied in payment for repairs made in another ward or district.

Sec. 162. The book kept by the city treasurer, in which the debts and credits of the highway funds are entered, shall be open at all reasonable hours to the inspection of members of the common council.

Sec. 163. The common council shall have full power to assess and collect of each individual using or being benefitted by any public sewer or drain, as follows, to wit: the sum of one dollar and fifty cents annually for each cellar drained, directly or indirectly, by a drain, into any public drain or sewer, which assessment shall be taken to include all other drainage of the premises to which said cellar especially belongs; and the sum of fifty cents annually for each lot or subdivision of lot being without a cellar, drained as aforesaid, into any public drain or sewer; and such sums as may be fixed by the common council for all establishments requiring an unusual or extraordinary amount of drainage, drained as aforesaid, which sums, when collected, shall constitute the sewer fund, and shall be expended exclusively for the repair and construction of sewers, and the collection of the charges to individuals for drainage in this section provided shall be enforced in such manner as the common council may, by ordinance, direct.

Assessment
for city im-
provement;
how collect-
ed.

Sec. 164. Whenever any assessments for public improvements, for any local improvements, or expenses upon any ward, street, lane, alley, public sewer, or other improvement, shall have been made as in this act provided, and the tax roll for the same shall have been delivered to the treasurer for collection, the same shall be a lien upon the premises upon which the same was assessed, and the treasurer collecting such tax shall levy and collect the same of any personal property found, belonging to the person chargeable with such tax, whether mortgaged or not; and in case sufficient personal property shall not be found to levy and collect the same, the treasurer shall make return to the city clerk of the sums so remaining uncollected by him, with a description of the lots or parcels upon which such tax was assessed and which remains unpaid, as aforesaid; and thereupon the city clerk shall report the same to the mayor, who shall assess the same upon his assessment and tax roll upon such premises, and the same shall be thereupon collected and returned, and the same proceedings had for the collection and return thereof, and for the sale of such premises for the non-payment of such tax, as is provided by law for the collection, return and sale of premises for non-payment of the ordinary city taxes.

Sale of prop-
erty for
taxes.

Sec. 165. When the treasurer shall have levied upon any personal property for the non-payment of any tax or assessment, in this act provided, he shall proceed to advertise and sell the same in the same manner, and upon like notice, as required by law in the levy and sale of personal property for non-payment of taxes by township treasurers.

Location of
buildings.

Sec. 166. For the purpose of guarding against the calamities of fire, the common council may, from time to time, by ordinance, designate such portions and parts of the said city as they shall think proper within which no buildings of wood shall be erected, and may regulate and direct the erection of buildings within such portions and parts, and the size and materials thereof, and the size of the chimneys therein; and every person who shall violate any such ordinance or regula-

tion shall forfeit to the city the sum of one hundred dollars, and every building erected contrary to such ordinance is hereby declared to be a common nuisance, and may be abated and removed by such common council.

Sec. 167. The common council may, by ordinance, require owners and occupants of houses and other buildings, to have scuttles on the roofs of such houses and buildings, and stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other building for not complying with such ordinance, the common council may, at the expiration of twenty days after such recovery, cause such scuttles and stairs, or ladders, to be constructed, and may recover the expenses thereof, with ten per cent. in addition, of the owner or occupant, whose duty it was to comply with the ordinance.

Character of buildings.

Sec. 168. The common council may, by ordinance, require the inhabitants of the city to provide such and so many fire-buckets for each house or tenement therein, and within such time as they shall prescribe, and may require such buckets to be produced at every fire.

Fire buckets.

Sec. 169. The common council may regulate and direct the construction of safe deposits for ashes, and may compel the clearing of chimneys, flues, stove-pipes and all other conductors of smoke, and upon neglect of the owner or occupant of any house, tenement or building of any description, having therein any chimneys, flues, stove-pipes or other conductors of smoke, to clean the same, as shall have been directed by any ordinance, the common council may cause the same to be cleansed, and may collect the expenses thereof and ten per cent. in addition, from the owner or occupant whose duty it was to have the same cleaned.

Safeguards against fire.

Sec. 170. The common council may regulate the use of lights and candles in livery stables, and other buildings in which combustible articles may be deposited, and may prescribe the use of lanterns or safety lamps in such buildings, and may regulate the transporting, keeping and deposit of gunpowder, or

Common Council to regulate use of lights.

other dangerous or combustible materials, and may prevent or regulate the carrying on of manufactories dangerous in causing or promoting fires, and may authorize and direct the removal of any hearth, fire-place, stove-pipe, flue, chimney or other conductor of smoke, or any other apparatus or device in which any fire may be used, or to which fire may be applied, that shall be considered dangerous, and liable to cause and promote fires, and generally may adopt such other regulations for the prevention and suppression of fires as they may deem necessary.

Enforcement of regulations relative to fires

Sec. 171. For the purpose of enforcing such regulations, the common council may authorize any of the officers of the said city, and may appoint persons at all reasonable times, to enter into and examine all dwelling houses, buildings and tenements of every description, and all lots, yards and enclosures, and to cause such as are dangerous to be put in safe condition, and may authorize such officers and persons to inspect all hearths, fire-places, stoves, pipes, flues, chimneys or other conductors of smoke, to any apparatus or device in which fire may be used, or to which fire may be applied, and remove and make the same safe, at the expense of the owners or occupants of the buildings in which the same may be, and to ascertain the number and condition of the fire-buckets, and the situation of any building in respect to its exposure to fire, and whether scuttles and ladders thereto have been provided, and generally with such powers and duties as the common council shall deem necessary to guard the city from the calamities of fire.

Fire apparatus.

Sec. 172. The common council may procure, own, build, erect and keep in repair such and so many fire-engines, with their hose and other apparatus, engine-houses, ladders, fire-hooks and fire-buckets, and other implements and conveniences for the extinguishment of fires and to prevent injuries by fire, and such and so many public cisterns, wells, reservoirs of water, as they from time to time shall judge necessary.

Fire department.

Sec. 173. The common council shall have power to organize said city into so many fire districts as they may deem neces-

may, and may organize and maintain a fire department for said city, to consist of one chief engineer, two assistant engineers, twice as many wardens as there are wards in the said city, a proper number of firemen, not exceeding fifty to each engine, such number of hook and ladder men, and such number of tub and hose men, as may be appointed by the common council, all to have privileges and exemptions of firemen, and to hold their appointment during the pleasure of the common council.

Sec. 174. The common council may make rules and regula-^{Rules.} tions for the government of the said engineers, wardens, firemen, hook and ladder men, and tub and hose men; may prescribe their respective duties in case of fire or alarms of fire; may direct the dresses and badges of authority to be worn by them; may prescribe and regulate the time and manner of their exercise, and may impose reasonable fines for the breach of any such regulations.

Sec. 175. The engineers and fire-wardens, under the direc-^{Duties of firemen.} tion of the common council, shall have the custody and general superintendence of the fire-engines, engine-houses, hooks, ladders, hose, public cisterns, and other conveniences for the extinguishment and prevention of fires, and it shall be their duty to see that the same are kept in order, and to see that the laws and ordinances relative to the prevention and extinguishment of fires are duly executed, and to make detailed and particular reports of the state of their department, and of the conduct of the firemen, hook and ladder men, tub and hose men, to the common council, at stated periods, to be prescribed by the common council, and to make such reports to the mayor whenever required by him. The certificate of the city clerk that a person is or has been a fireman, shall be evidence of the facts in all courts and places, on proof of the genuineness of such certificate.

Sec. 176. The common council may, by ordinance, direct the manner in which the bells of the city shall be tolled or rung in^{Ring of bells.} cases of fire or alarms of fire, and impose penalties for ringing

or tolling of such bells in such manner at any other time than during a fire or alarm of fire.

Compensation.

Sec. 177. The common council may provide suitable compensation for any injury that any fireman, hook and ladder man, or tub and hose man, may receive, in his person or property, in consequence of his exertions at any fire.

Duties and powers of engineers, wardens, &c.

Sec. 178. The common council may, by ordinance—

First. Prescribe the duties and powers of the engineers and wardens at fires, and in cases of alarms of fire, and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires;

Mayor and aldermen.

Second. To prescribe the powers and duties of the mayor and aldermen at such fires, and in cases of alarms; but in no case shall the mayor or any alderman control or direct the chief or his assistants during any fire;

Removal of disorderly persons.

Third. Provide for the removal or keeping away from such fires all idle, disorderly and suspicious persons, and may confer powers for that purpose on engineers, fire-wardens or officers of the city;

Duties of citizens at fires.

Fourth. Provide for compelling persons to bring their fire buckets to any place of fire, and to aid in extinguishment thereof by forming lines or ranks for the purpose of carrying water, and by all proper means to aid in the preservation, removal and securing of property exposed to damage by fire;

Duty of officers.

Fifth. To compel the marshal, constables and watchmen of the city to be present at such fires, and to perform such duties as the said common council shall prescribe.

Refusal to obey orders

Sec. 179. Whenever any person shall refuse to obey any lawful order of any engineer, fire-warden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally any constable, watchman, or any citizen, to arrest such person and confine him temporarily in a safe place until such fire shall be extinguished, and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly.

Sec. 180. Whenever any building in said city shall be on fire, ^{Buildings to be torn down.} it shall be the duty and be lawful for the chief engineer, with the consent of the mayor or any alderman, or any two aldermen, to order and direct such building, or any other building which they may deem hazardous and likely to communicate fire to other buildings, or any part of said building, to be pulled down and destroyed, and no action shall be maintained against any person or against the said city therefor; but any person interested in any such building so destroyed or injured, may within three months thereafter, apply to the common council to assess and pay the damages he has sustained. At the ^{Assessment of damages.} expiration of the three months, if any such application shall have been made in writing, the common council shall either pay to the said claimant such sum as shall be agreed upon by them and the claimant for such damages, or if no such agreement shall be effected, shall proceed to ascertain the amount of such damages, and shall provide for the appraisal, assessment, collection and payment of the same in the same manner as is provided by this act for the ascertainment, assessment, collection and payment of damages sustained by the taking of lands for purposes of public improvement.

Sec. 181. The commissioners appointed to appraise and ^{Id.} assess the damages incurred by the said claimant by the pulling down or destruction of such building by the direction of the said officers of the city, as above provided, shall take into account the probabilities of the same having been destroyed or injured by fire if it had not been so pulled down and destroyed, and may report that no damage should be equitably allowed to such claimant. Whenever a report shall be made and finally confirmed in the said premises and proceedings for appraising and assessing the damages, a compliance with the terms thereof by the common council shall be deemed a full satisfaction of all said damages of the said claimant.

Sec. 182. The director of the poor elected in said city, as ^{Director of the poor.} hereinbefore provided, shall possess all the powers and authority of directors of the poor of towns in this State, in relation to

the support and relief of indigent persons, the binding out of children who shall solicit alms, or who, or whose parents shall become chargeable to the said city, or to the county of St. Clair, in said city; the safe keeping and care of lunatics; the care of habitual drunkards; the binding out, contracting for the service of disorderly persons; the support of bastards; and all such other powers as are conferred on directors of the poor in the respective towns, and shall be subject to the same duties, obligations and liabilities.

Poor.

Sec. 183. Until provisions shall otherwise be made, as hereinafter authorized, the indigent persons, and such others as shall be entitled to relief under the laws of this State, who are or shall become chargeable to the said city, being in the said city, shall continue to be supported and relieved in the manner provided by law in respect to the county of St. Clair.

Poor fund.

Sec. 184. All money that shall be raised in the city by licenses to groceries, tavern-keepers or common victualers, and for penalties for the violation of any city ordinances regulating the retailing of any spirituous liquors, shall be paid into the city treasury, and shall belong to and constitute a part of the fund of the city for the support of poor therein, and shall be deposited for safe keeping by the treasurer, as other moneys under his care; and accounts thereof shall be kept, and the same shall be drawn in the manner hereinbefore prescribed in relation to the funds of said city.

Jurisdiction
of justices'
courts, &c.

Sec. 185. The jurisdiction of the justices courts of said city shall extend to, and said courts shall have original jurisdiction, and shall have power to hear, try and determine all civil actions arising in said city, wherein said city, in its corporate capacity, shall be a party, or any city or ward officer, in his official character, shall be a party; all charges, complaints, actions and prosecutions for the recovery of any and all forfeitures and penalties for alleged violations or infringements of the acts of the Legislature of this State, incorporating said city, except in cases where jurisdiction is especially given to some other court; all actions for alleged breaches or violations of any

of the by-laws, ordinances or regulations of said city, except in cases where, by such by-laws or ordinance, jurisdiction is especially given to some other court, and all actions for encroachments upon or injury to any of the streets, lanes, alleys, bridges, parks, buildings, trees, fences, gates, or any other private or public improvements within said city, which courts shall proceed according to and be governed by the general laws and rules of practice of this State, applicable to courts of justices of the peace.

Sec. 186. The justices courts in said city shall have power to imprison in the jail of the county of St. Clair, and it is hereby made the duty of the keeper of said jail to receive such persons as are brought to his custody by authority of any of said justices of said city, or of any officer of said city authorized so to commit such persons, in the same manner as any court of record of this State, or other competent authority, is authorized to commit to said jail. Imprisonment of offenders; use of county jail allowed.

Sec. 187. The justices of the peace of said city exercising civil jurisdiction shall be deemed justices of the peace of the county of St. Clair, and shall be subject to the general laws of the State in relation to civil causes before justices of the peace, and appeals from their judgments may be made to the circuit court for the county of St. Clair, in the same manner as appeals from justices judgments in towns are made. Justices of the peace of said city.

Sec. 188. The justices of the peace of the said city shall have all the authority of justices of the peace in townships in criminal matters, and shall have all the authority, and perform all the duties hereinbefore provided and required of them, as police justices of said city, and shall hold a session of court daily, if necessary. Ibid.

Sec. 189. All suits which shall be brought to recover any penalty or forfeiture for the violation of any ordinance, by-law or resolution of the common council of said city, shall be brought in the name of the city of St. Clair, and no person being an inhabitant, freeman or freeholder of the said city, Suits to recover penalty, &c.; in what name brought.

Citizens not to be incompetent as witnesses, &c. shall be disqualified for that, from acting as a judge, justice or juror in the trial or other proceedings in any suit brought to recover any penalty or forfeiture for the violation of any provision of this act, or for the violation of any by-law or ordinance of the common council, nor from serving any process, summoning a jury in such suit, or from acting in any such capacity, or being a witness on the trial of any such issue, or upon the taking or making any inquisition or assessment, or any judicial investigation of facts, to which issue, inquest or investigation, the said city, or any city or ward officer, is a party, or in which said city or such officer is interested; nor shall any judge of any court be disqualified to hear and adjudicate on an appeal in any matter originating in said city, because he is an inhabitant thereof.

Right of city to appeal.

Sec. 190. If any judgment in any action shall be rendered against the city by any justice of the peace, such judgment may be removed, by appeal, to the circuit court for the county of St. Clair, in the same manner, and with the same effect, as though the city were a natural person, except that no bond or recognizance to the adverse party shall be necessary to be executed by or on behalf of the said city.

Penalties and forfeitures; how recovered.

Sec. 191. Every execution for any penalty or forfeiture recovered for the violation of any of the provisions of this act, or for the violation of any by-law or ordinance passed or made by the common council of said city, such execution may be issued immediately after the rendition of judgment, and shall command the amount to be made of the property of the defendant or defendants, if any such property can be found, if not, then to commit the defendant or defendants to the county jail for such time as shall have been fixed by the ordinance or by-laws thus violated.

Docket for city, &c.

Sec. 192. It shall be the duty of said justices to keep two dockets, one of which shall be kept as a city or police docket, in which shall be entered all suits arising from the violation of any of the by-laws or ordinances of said city, which dockets shall be furnished by and be the public property of

said city, and it shall be the duty of said justices to deliver over said dockets, together with all papers belonging thereto, to their successor or successors in office, as in other cases required by law.

Sec. 193. In all trials before any justice of the peace of said city, against any person or persons charged with a violation of any by-law or ordinance of said city, the accused may (upon the payment of one dollar and fifty cents to the justice before whom the trial is pending) have a jury, and the proceedings for the empanneling a jury shall be in conformity, as near as may be, as is provided by statute for empanneling jurors before justices in criminal cases: *Provided*, That if no jury be demanded, the justice, in his discretion, (when the nature of the case demands,) may order a jury to try and determine the cause, and in all cases, civil and criminal, the right of appeal from the justice's court to the circuit court for the county of St. Clair shall be allowed, and the party appealing shall conform to all the proceedings and requirements as are required in appealing from justices of the peace in townships, except as is hereinbefore provided.

Of juries in justices' court.

Appeals in all cases from justices' court.

Sec. 194. The common council may direct any moneys that may have been recovered for penalties or forfeitures under this act, or any ordinance or by-law made by the common council of said city, to be applied to the payment of any extra expenses that may have been incurred in apprehending offenders, or in subpoenaing or defraying the expenses of witnesses in any suit for such penalties or forfeitures, or in the conducting such suit.

Money for penalties; how applied

Sec. 195. All persons being habitual drunkards, destitute and without any visible means of support, or who being such habitual drunkards, shall abandon, neglect or refuse to aid in the support of their families, all able-bodied and sturdy beggars who may apply for alms or solicit charity, all persons wandering abroad, lodging in watch-houses, out-houses, market places, sheds, stables, barns, or uninhabited dwellings, or in the open air, and not giving a good account of themselves, all common brawlers and disturbers of the public

Who to be deemed vagrants.

How punished. g

quiet, all persons wandering abroad and begging, or who go about from door to door, or place themselves in the streets, highways, passages or other public places, or beg and receive alms within the said city, shall be deemed vagrants, and may, upon conviction of any of the foregoing offences before any justice of the peace of said city, be sentenced to confinement in the county jail of the county of St. Clair for any time not exceeding ninety days.

What persons deemed disorderly.

Sec. 196. All persons who shall have actually abandoned their wives or children (or both) within the city of St. Clair, or may neglect to provide, according to their means, for their wives and children, or either, are hereby declared to be disorderly persons within the meaning of chapter thirty-nine, of title nine, of the revised statutes of eighteen hundred and forty-six, and may be proceeded against as such, in the manner directed by said title; and it shall be the duty of the magistrate before whom any such person may be brought for examination to judge and determine, from the facts and circumstances of the case, whether the conduct of such person amounts to such desertion or neglect to provide for his wife or children, or either.

Board of health.

Sec. 197. It shall be the duty of the common council of said city to appoint a board of health once in each year for said city, to consist of not less than three nor more than seven persons, and competent physician to be health officer thereof.

Powers and duties of board of health.

Sec. 198. The said board of health shall have power, and it shall be their duty, to take measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into said city; to stop, detain and examine, for that purpose, every person coming from any place infected or believed to be infected, with such disease; to establish, maintain and regulate a pest-house or hospital at some place within the city, or not exceeding three miles beyond its bounds, to cause any person not being a resident of the city, or if a resident of the city who is not an inhabitant of this State, and who shall be, or be suspected of being infected with any such disease, to be

removed to such pest-house or hospital; to cause any resident of the city, infected with any such disease, to be sent to such pest-house or hospital; to cause any resident of the city, infected with any such disease, to be removed to such pest-house or hospital, if the health physician and two other physicians of the city, including the attending physician of the sick person, if he have one, shall certify that the removal of such resident is necessary for the preservation of the public health; to remove from the city, or destroy, any furniture, wearing apparel, goods, wares or merchandise, or other articles or property of any kind which shall be suspected of being tainted or infected with any pestilence, or which shall be or be likely to pass into such a state as to generate and propagate disease; to abate all nuisances of every description which are or may be injurious to the public health, in any way and in any manner they may deem expedient; and from time to time to do all acts, make all regulations, and pass all ordinances, which they shall deem necessary or expedient for the preservation of the health of said city and the suppression of disease, and to carry into effect and execute the powers hereby granted.

Sec. 199. The owner, driver, conductor or person in charge of any stage-coach, railroad car, or other public conveyance, which shall enter the city, having on board any person sick of a malignant fever or pestilential or infectious disease, shall, within two hours after the arrival of such sick person, report, in writing, the fact, with the name of such person, and the house or place where he was put down in the city, to the mayor or some member or officer of the board of health; and any and every neglect to comply with these provisions, or any of them, shall be a misdemeanor, punishable with fine or imprisonment, or both, in the discretion of the court.

Persons in charge of public conveyances to report arrival of sick persons.

Penalty in default to report.

Sec. 200. Any person who shall knowingly bring or procure, or cause to be brought within the city any property of any kind, tainted or infected with any malignant fever, or pestilential, infectious disease, shall be guilty of a misdemeanor,

Infected property.

Penalty. punishable by fine or imprisonment, or both, in the discretion of the court.

Inn-keepers and physicians to report sick persons.

Sec. 201. Every keeper of an inn or boarding-house, or lodging-house in said city, who shall have in his or her house at any time, any sick traveler, boatman or sailor, shall report the fact, and the name of the person, in writing, within six hours after he come to the house or was taken sick therein, to the mayor or some officer or member of the board of health; every physician in the city shall report, under his hand, to one of the officers above named, the name, residence and disease of every patient whom he shall have sick of any infectious or pestilential disease, within six hours after he shall have visited such patient.

Penalty. A violation of either of the provisions of this section, or of the two preceding sections, shall be a misdemeanor, punishable by fine or imprisonment, or both, the fine not to exceed one hundred dollars nor the imprisonment three months.

Money for fines; how appropriated.

Sec. 202. All fines imposed under the last five sections shall belong to said city, and when collected shall be paid into the treasury of said city, and be devoted to the maintenance and support of the pest-house, or of any hospital that may hereafter be established by the city, unless otherwise provided by ordinance of the common council of said city.

Powers of common council relative to cleanliness and public health of the city.

Sec. 203. The common council shall have power to pass and enact such by-laws and ordinances as they from time to time shall deem necessary and proper, for the filling up, draining, cleansing, cleaning and regulating any grounds, yards, basins, slips or cellars, within the said city, that shall be sunken, damp, foul, incumbered with filth and rubbish, or unwholesome, and for filling or altering, and amending all sinks and privies within said city, and for directing the mode of constructing them in future, and cause all such work as may be necessary for the purpose aforesaid, and for the preservation of the public health, and the cleanliness of said city, to be executed and done at the expense of the city corporation, on account of the persons respectively upon whom the same may be assessed, and for that purpose to cause the expenses thereof to be esti-

Expenses.

ated, assessed and collected, and the lands charged therewith, to be sold in case of non-payment, in the same manner as provided by law with respect to other public improvements within said city; and in all cases where the said by-laws or ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots in respect to which such expenses shall have been incurred, shall be briefly described, in the manner required by law, in the assessment roll for the general expenses of the said city, and the sum of money assessed to each owner or occupant of any such house or lot shall be the amount of money expended in making such improvement upon such premises, together with a ratable proportion of the expenses of assessing and collecting the moneys expended in making such improvements.

Sec. 204. Whenever, in the opinion of the common council, ^{Unsafe buildings, &c.; how removed.} any building, fence, or other erection of any kind, or part thereof, is liable to fall down, and persons or property may thereby be endangered, they may order any owner or occupant of the premises on which such building, fence, or other erection stands, to take down the same, or any part thereof, within a reasonable time, to be fixed by the order, or immediately, as the case may require; or may immediately, in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the same on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city paper, as the common council shall direct.

Sec. 205. The said board of health shall have power to ^{Clerk of board of health.} appoint a clerk, whose duty it shall be to attend the meetings thereof, and to keep a record of its proceedings; and such record, or a duly certified copy of the same, or of any part thereof, shall be *prima facie* evidence of the facts therein contained, in any court or before any officer. The compensation of the clerk of said board of health shall be fixed by said board

of health, by and with the consent of the common council, and such compensation shall be paid in the same manner as the other expenses of said board.

Compensation.

Sec. 206. The members of said board of health shall receive such compensation for their services as the common council shall deem reasonable, to be paid from the general contingent fund of said city.

Sureties.

Sec. 207. The common council, or the mayor or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer of whom a bond or instrument in writing may be required, under the provisions of this act, shall examine into the sufficiency of such sureties, and shall require them to submit to an examination, under oath, as to their property; such oath may be administered by the mayor or any alderman of said city; the deposition of the surety shall be reduced to writing, be signed by him, and certified by the person taking the same, and annexed to and filed with the bond or instrument in writing, to which it relates.

Oaths.

Sec. 208. The mayor, or chairman of any committee, or special committee of the common council, shall have power to administer any oath, or take any affidavit, in respect to any matter pending before the common council or such committee.

Who deemed guilty of perjury.

Sec. 209. Any person who may be required to take any oath or affirmation under or by any provisions of this act, who shall, under such oath or affirmation, in any statement or affidavit, or otherwise, willfully swear falsely, as to any material fact or matter, shall be guilty of perjury.

Suits against officers.

Sec. 210. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act done or omitted to be done, under such election or appointment, or against any person having done any thing or act by the command of any such officer, and if final judgment be rendered in such suit, whereby any such defendant shall be entitled to costs, he shall receive double costs in the manner defined by law.

Sec. 211. All process issued against said city shall run Process against the city. against said city in the corporate name thereof; and such process shall be served by leaving a true and attested copy of such process with the mayor or clerk of said city, at least ten days before the day of appearance mentioned therein.

Sec. 212. All former acts and parts of acts relating to the Certain acts repealed. city of St. Clair, not expressly embodied in or made part of this act, are hereby repealed; but nothing herein contained shall be Rights acquired, do, not affected by repeal. construed to destroy, impair or take away any right or remedy acquired, or given by any act hereby repealed; and all proceedings commenced under such former acts shall be carried out and completed, and all prosecutions for any offence committed, or penalty or forfeiture incurred, shall be enforced in the same manner, in all respects, and with the same effect as if this act had not been passed; and nothing in this section contained shall be so construed as to annul, or impair, or affect any ordinance, by-law or resolution of said city, not inconsistent with the provisions of this act, but the same shall continue and be in force until the same are amended or repealed, as fully as though this act had not been enacted.

Sec. 213. In all cases of proceedings to recover the possession of land, as provided in chapter one hundred and fifty of the compiled laws of this State, the justices of the peace in and for said city, concurrently with the circuit court commissioners of the county of St. Clair, shall have jurisdiction; and said justices are hereby authorized and empowered, in all cases mentioned and set forth in said chapter one hundred and fifty of said compiled laws, arising, occurring and being within the said city of St. Clair, to receive complaints, issue process, hear, try and determine the same, in like manner, with like proceedings, and to the same extent as is provided to recover the possession of land in the cases mentioned and set forth in said chapter; and the general laws of this State made applicable to proceedings to recover the possession of land in cases of forcible entries and detainers, and summary proceedings to

recover the possession of land in other cases, as provided in said chapter one hundred and fifty of the compiled laws of this State, and the amendments thereto, shall apply to proceedings in justices' courts in this city, in like cases.

A public
act.

Sec. 214. This act shall be deemed a public act, and shall be favorably construed for all purposes therein intended.

Sec. 215. This act shall take immediate effect.

Approved March 18, 1868.

[No. 143.]

AN ACT to provide for the election and classification of regents of the University.

General
election for
regents.

SECTION 1. *The People of the State of Michigan enact*, That a general election shall be held in the several townships and wards of this State on the first Monday in April, in the year one thousand eight hundred and sixty-three, and on the first Monday in April in every second year thereafter, for the election of regents of the university, who shall enter on the duties of their office on the first day of January next succeeding their election.

Election in
1863.

Sec. 2. At the election to be held on the first Monday of April, in the year one thousand eight hundred and sixty-three, there shall be elected eight regents of the university, who

How classi-
fied.

shall be divided into four classes, of two each, to be numbered one, two, three and four, whose term of service shall commence on the first day of January, one thousand eight hundred and

Term of ser-
vice of each
class.

sixty-four. The term of service of class number one shall expire in two years; the term of class number two shall expire in four years; the term of class number three shall expire in six years; the term of class number four shall expire in eight years from the first day of January, one thousand eight hundred and sixty-four. After the first election, two regents shall be elected every two years, and their term of office shall be eight years. The place of each class shall be filled by an election

Biennial
election.

at the general election to be held on the first Monday in April next preceding the expiration of their term of service.

Sec. 3. The Secretary of State shall, immediately after the passage of this act, transmit to the sheriff of each organized county, by mail, a written or printed circular, containing a brief statement of the contents of this act, and shall cause a copy of this act to be printed in such newspapers in each judicial circuit as he may deem proper, once in each week, until the first election to be held in pursuance thereof.

Duty of Sec.
retary of
State.

Sec. 4. The sheriffs of the several counties, on receiving the notice herein provided for, shall forthwith notify, in writing, the township clerk of each township, and one of the inspectors of election in each ward in any city in his county, of such election.

Sheriffs to
give notice
of election.

Sec. 5. The several regents of the university, to be elected as aforesaid, shall be voted for on the same ballots with the justice or justices of the supreme court and circuit judge, to be chosen at such election; and the election provided for by this act shall be conducted in the same manner, and by the same officers, and the same notices of time and place shall be given as by existing laws for election of justices of the supreme court, and the inspectors of election shall make the same canvass, statement and return, and shall be invested with the same powers as are provided by the laws of this State for a general election.

Elections;
how con-
ducted.

Sec. 6. The county and State board of canvassers for said election shall consist of the same persons as provided by existing laws for canvassing votes for State officers, and the canvass shall be held and conducted in the same manner, and at the same time, and the like statements and returns shall be made, and the said board shall be charged with the same duties, and invested with the like powers as provided by existing laws for canvassing votes for justices of the supreme court and circuit judges, and the Secretary of State shall perform the same duties in relation thereto, and all the proceedings shall be conducted in accordance with the laws

Canvass;
State and
county, how
conducted.

regulating the canvass of votes cast at a general election, so far as the same are applicable.

Board of
State can-
vassers to
determine
classes of
regents by
lot.

Sec. 7. After the canvass and determination, by the board of State canvassers, of the result of such election, they shall prepare eight slips of white paper, of equal size, on each of which shall be written the name of one of the regents so elected, which slips shall be put into a box, and shaken up by one of the board, when the other members of the board shall each, in alternation, draw out one of the slips, until they are all drawn. The two persons whose names shall be drawn first and second in order shall constitute class number one; the two persons whose names shall be drawn third and fourth shall constitute class number two; the two persons whose names shall be drawn fifth and sixth shall constitute class number three; and the two persons whose names shall be drawn seventh and eighth shall constitute class number four. The board shall certify and sign a statement of the time, mode and result of the drawing, and the class assigned thereby to each of the regents, and deliver the same to the Secretary of State, who shall record the same in his office with the record of the election of said regents, and shall, without delay, make out and send by mail, or cause to be delivered, to each of the persons thereby declared to be elected, a copy of such determination, and of the class assigned to him on such drawing, certified by said Secretary of State, under his seal of office.

Sec. 8. This act shall take immediate effect.

Approved March 19, 1863.

[No. 144.]

AN ACT to amend section eight, of chapter one hundred and forty-one, of the compiled laws, relative to proceedings against garnishees.

Section
amended.

SECTION. 1. *The People of the State of Michigan enact*, That section eight, of chapter one hundred and forty-one, of the compiled laws, is hereby amended so as to read as follows:

Sec. 8. After the final determination of the suit against the defendant, in the case mentioned in the preceding section, and at any time within thirty days after such final determination of the suit, and in cases of garnishee proceedings commenced after the rendition of a judgment against the defendant therein, within thirty days after the closing of the examination in such garnishee proceedings, the justice shall, at the request of the plaintiff, his agent or attorney, issue a summons against the garnishee, commanding him to appear before the justice to show cause why a judgment should not be rendered against him.

Approved March 19, 1868.

[No. 145.]

AN ACT to provide for the sale of swamp and primary school lands, in the mineral range of the Upper Peninsula, heretofore withheld from market as mineral lands.

SECTION 1. *The People of the State of Michigan enact, That* all swamp and primary school lands in the mineral range of the Upper Peninsula, heretofore withheld from market as mineral lands, except such sections, or parts of sections, as the Governor shall hereafter select and reserve, shall be re-offered and sold in the same manner, in all respects, as is now provided by law for the sale of other swamp and primary school lands.

Sec. 2. Before any of the lands thus reserved shall be offered for sale, the Governor may, under such regulations as he shall prescribe, cause an examination of such lands, by such agents, not exceeding two in number, as he may appoint for that purpose, whose duty it shall be to examine the lands designated by the Governor, and report the result of such examination to him, and their separate appraisal of the value of each tract.

Sec. 3. Upon receiving such report, the Governor and State Treasurer shall fix a minimum price at which each tract may be sold, and shall certify the same to the Commissioner of the

Land Office, who shall thereupon offer said land at public sale, in pursuance of the provisions of existing law.

Compensation of agents.

Sec. 4. The pay of such agents shall be three dollars per day, for the time actually and necessarily spent in the discharge of their duties, together with their actual and reasonable traveling expenses; and their accounts for such services and expenses, properly verified by such agents, when allowed by the board of State auditors, shall be paid by the State Treasurer, upon the warrant of the Auditor General, out of any money in the treasury not otherwise appropriated.

Approved March 19, 1863.

[No. 146.]

AN ACT for the relief of J. E. Harding, assignee of Amasa B. Carpenter.

Commissioner of Land Office to take proof as to labor done.

SECTION 1. *The People of the State of Michigan enact*, That the Commissioner of the State Land Office be and he is hereby authorized to take proofs in relation to the work and labor done under and by direction of E. C. Southworth, special commissioner, by Amasa B. Carpenter, on the Lansing and Allegan State road, and also in a certain contract entered into between E. C. Southworth, special commissioner on the State road from Lansing to Allegan, and the said Amasa B. Carpenter, which contract is alleged to have been lost, and if it shall appear that the said Amasa B. Carpenter had performed work and labor, and had fulfilled the terms of his said contract, the said commissioner shall issue his warrant to the said J. E. Harding for forty acres of swamp land, unsold, in the county of Allegan: *Provided*, Said proofs shall be taken within six months from and after the passage of this act.

May draw warrant for forty acres swamp land *Proviso.*

Approved March 19, 1863.

[No. 147.]

AN ACT to amend section six, of act number one hundred and thirty-eight, of the session laws of eighteen hundred and fifty-nine, entitled "an act to provide for [the] trial of offences upon information."

SECTION 1. *The People of the State of Michigan enact*, That section six of an act entitled "an act to provide for the trial of offences upon information," approved February twelfth, eighteen hundred and fifty-nine, be and the same is hereby amended so that said section shall read as follows:

Sec. 6. It shall be the duty of the prosecuting attorney of the proper county to inquire into and make full examination of all the facts and circumstances connected with any case of preliminary examination, as provided by law, touching the commission of any offence whereon the offender shall be committed to jail, or become recognized or held to bail; and if the prosecuting attorney shall determine, in any such case, that an information ought not to be filed, he shall make, subscribe and file with the clerk of the court a statement, in writing, containing his reasons, in fact and in law, for not filing an information in such case, and that such statement shall be filed at and during the term of the court at which the offender shall be held for appearance: *Provided*, That in such case such court may examine said statement, together with the evidence filed in the case, and if, upon such examination, the court shall not be satisfied with said statement, the prosecuting attorney shall be directed by the court to file the proper information, and bring the case to trial.

Approved March 19, 1863.

[No. 148.]

AN ACT to provide for opening a channel at the mouth of the river Du Fil, in Huron county.

SECTION 1. *The People of the State of Michigan enact*, That there shall be laid out and constructed, under the supervision

Channel,
opening of,
provided
for.

of a commissioner to be appointed by the Governor, a channel running as near straight as is practicable, through the marsh and bar at the mouth of the river Du Fil, so that the waters of said river may empty directly into Saginaw Bay, instead of overflowing the surrounding territory.

Commis-
sioner, duty
of.

Sec. 2. The commissioner contemplated by this act shall qualify, and proceed to construct said channel, according to the provisions of act number one hundred and seventeen of the session laws of eighteen hundred and fifty-nine, the same being "an act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches," and all acts amendatory thereto.

Appropriation.

Sec. 3. To secure the construction of said channel, there is hereby appropriated five sections of State swamp lands.

Approved March 19, 1863.

[No. 149.]

AN ACT to authorize the Governor to appoint a commissioner for the north part of a State road running southerly from Port Austin, in Huron county, to the Lexington and Flint river State road.

Governor
authorized
to appoint
commissioner.

SECTION 1. *The People of the State of Michigan enact*, That the Governor is hereby authorized to appoint a commissioner for that part of a road running southerly from Port Austin, in Huron county, to the Lexington and Flint river State road, north of the line between Huron and Sanilac counties.

Authority
of commis-
sioner rela-
tive to con-
tracts.

Sec. 2. Said commissioner is hereby authorized to contract and work from Port Austin, southerly, to the line between Huron and Sanilac counties.

Commis-
sioner to
proceed ac-
cording to
former acts.

Sec. 3. Said commissioner shall construct said road according to the provisions of act number one hundred and seventeen of the session laws of eighteen hundred and fifty-nine, and all acts amendatory thereto, and not inconsistent with this act.

Approved March 19, 1863.

[No. 150.]

AN ACT to establish a judicial circuit in the Upper Peninsula.

SECTION 1. *The People of the State of Michigan enact*, That the counties and territory constituting the Upper Peninsula judicial district, to-wit: The counties of Mackinaw, Chippewa, Marquette, Houghton, Keweenaw and Ontonagon, and the unorganized counties and territory thereto attached, shall, on and after the first day of January, in the year eighteen hundred and sixty-four, be formed into and be one judicial circuit, to be known and designated as the eleventh circuit.

Limits of district.

Sec. 2. The qualified voters of the several counties and districts mentioned in the first section of this act shall, on the first Tuesday in August, in the year eighteen hundred and sixty-three, at a special election then to be held for that purpose, elect a circuit judge and district attorney, who shall hold their offices for the constitutional term, commencing on the first day of January in said year eighteen hundred and sixty-four; subsequent elections of the circuit judge and district attorney for said circuit shall be on the first Monday in April.

Special election.

Terms of office.

Subsequent elections.

Sec. 3. It shall be the duty of the sheriffs of the several counties in the Upper Peninsula to notify the supervisors of the several townships, at least thirty days previous to the first Tuesday in August, eighteen hundred and sixty-three, of the said special election for circuit judge and district attorney, and the supervisors shall post notices in the usual manner for such election in their respective towns, at least five days previous to the day of election.

Sheriffs to notify supervisors of the election.

Duty of supervisors.

Sec. 4. The election of judge and district attorney for said circuit shall be conducted, and returns made, as is provided by law for the election of judges for the several judicial circuits of this State.

Election, how conducted.

Sec. 5. The district court and the office of district judge shall, on the said first day of January, in the year eighteen hundred and sixty-four, cease and be abolished; and there

District court abolished.

shall be no election of district judge in said district the present year.

Judgments, etc., to be transferred. Sec. 6. The judgments, decrees, records, files, books, papers, suits, prosecutions, causes, proceedings of and in the district court for the several counties, shall be transferred to the circuit court for such counties respectively, and be deemed and

Writs, etc., to be returned to circuit court after Jan. 1, 1864. held to belong and appertain thereto; and writs, processes, proceedings, on said first day of January returnable to such district court, shall be returnable and returned into the circuit court for said several counties, and said circuit court shall have full jurisdiction, power and authority in respect to all and singular the said matters, and all things relating thereto, in like manner and with like effect as if they had originated and were in said circuit court, or were returnable thereto.

Seals of court. Sec. 7. The seals of the district court of the said several counties, shall be the seals of the circuit courts of said counties until others shall be adopted and provided.

Approved March 19, 1863.

[No. 151.]

AN ACT to divide the Port Huron, Bay City and Lansing State road into sections, and to have a commissioner appointed for each section.

Road divided. SECTION 1. *The People of the State of Michigan enact, That* the Port Huron, Bay City and Lansing State road be and is hereby divided into two sections, and that all that part of the road from Port Huron to Midland City shall be known as section one of said road, and all that part of said road from Midland City to Lansing be known as section two of said road.

Governor authorized to appoint commissioners. Sec. 2. The Governor is hereby authorized and empowered to appoint one commissioner for each section of said road, as divided above, whose duty it shall be to comply with all the requirements, and perform all the duties, as required of commissioners in act number one hundred and seventeen of the

session laws of A. D. one thousand eight hundred and fifty-nine, and all acts amendatory thereto.

Sec. 3. This act shall take immediate effect.

Approved March 19, 1863.

[No. 152.]

AN ACT to authorize the flooding of Thunder Bay river, to increase the capacity of its navigation.

SECTION 1. *The People of the State of Michigan enact, That* it shall be lawful for any person or persons, who have erected, Owners of dams may flood the streams. or may hereafter erect dams upon Thunder Bay river, to use such dams for the purpose of flooding said stream, or its branches, to increase its navigable capacity for running saw logs, timber and rafts.

Sec. 2. Any person or persons owning such dam or dams, or his Notice thereof to be given. or their agents having charge thereof, before using the same for the purpose of flooding, shall give at least two days notice to all persons, their agents or employes, having property in said river liable to suffer damage thereby, of his or their intention to flood said stream, specifying the days, and time of flooding each day, as near as may be.

Sec. 3. This act shall not be construed so as to affect the Damages. rights of any person to sue and recover damages for injuries occasioned by such flooding.

Sec. 4. This act shall take immediate effect.

Approved March 19, 1863.

[No. 153.]

AN ACT to continue in office, and to confirm and define the powers of the board of control of railroads.

SECTION 1. *The People of the State of Michigan enact, That,* the board of control created by the provisions of section eight Board continued in office. of an act entitled "an act disposing of certain grants of lands

Acts of, confirmed.

made to the State of Michigan for railroad purposes, by act of Congress, approved June third, eighteen hundred and fifty-six," and approved by the Governor, be continued in office, without lapse of office or functions, except such as are limited by law, from the date of the passage of said act until the expiration of the time limited by the act of Congress, namely, to the third day of June, eighteen hundred and sixty-six, and that all acts of the said board of control, in the exercise of the general powers of transfer, supervision and control heretofore conferred by law, are hereby ratified and confirmed.

Approved March 19, 1863.

[No. 154.]

AN ACT relative to the conferring and forfeiting certain land grants made by the State of Michigan, by "an act disposing of certain grants of land made to the State of Michigan for railroad purposes, by act of Congress, approved June third, eighteen hundred and fifty-six," approved February fourteenth, eighteen hundred and fifty-seven, and the acts amendatory thereto.

Privileges of companies that have constructed 20 miles of road.

SECTION 1. *The People of the State of Michigan enact, That* such of the railroad companies mentioned in an act entitled "an act disposing of certain grants of land made to the State of Michigan for railroad purposes, by act of Congress, approved June third, eighteen hundred and fifty-six," approved February fourteenth, eighteen hundred and fifty-seven, as have finished and put in running order twenty miles of their railroad, shall have all the time to finish said roads, and all the powers, rights and privileges relating to each of said roads respectively, as are mentioned in said act of Congress, and shall be entitled to take and sell the lands donated for the use of each of said roads respectively by said act of Congress, at such times, and in such quantities, and under such restrictions as are in said act mentioned; and all forfeitures of charter, franchise and land grants, incurred by such railroad companies as shall have finished twenty miles of their road, as aforesaid, under

Forfeitures waived.

any laws of this State, are hereby waived. The Amboy, Lansing and Traverse Bay railroad company shall, within six months from the passage of this bill, finish and open their road for use to Michigan avenue, in the city of Lansing; and shall also, in good faith, commence their work on the said road from Owosso to Saginaw city, by the first day of June, eighteen and sixty-three, and shall finish the said road from Owosso to Saginaw city by the first day of January, eighteen hundred and sixty-five. But nothing herein contained shall be construed to extend the time, or grant any other or further privileges than those now existing by law, to any company who shall not have heretofore constructed twenty miles of their railroad: *Provided*, That the Amboy, Lansing and Traverse Bay railroad company shall not be entitled to that portion of the second one hundred and twenty sections of said land not already conveyed by them, until the said company shall have constructed its road, and opened it for use, to Michigan avenue, in the city of Lansing.

Amboy, Lansing and Traverse Bay R. R. company.
Not to extend to companies that have not completed 20 miles of road.

Approved March 19, 1863.

[No. 155.]

AN ACT to amend chapter forty-two of the compiled laws, so as to authorize circuit courts to discharge certain duties heretofore required to be performed by a county judge.

SECTION 1. *The People of the State of Michigan enact*, That sections fifteen hundred and fifty-six, fifteen hundred and fifty-seven, and fifteen hundred and fifty-eight, of the compiled laws, be and the same are hereby amended so as to read as follows: Section amended.

Sec. 1556. It shall be the duty of the keeper of every jail to lay before the circuit court for his county, on the first day of every term, a list of all the persons committed to the jail as disorderly persons, and then in his custody, with the nature of their offences, the name of the justice committing them, and the time of their imprisonment. Jailor to report to circuit court a list of persons committed to jail.

Sec. 1557. The said circuit court before [which] such list shall

Court to ex-
amine re-
cord of con-
viction.

be laid, shall inquire into the circumstances of each case, and hear any proofs that may be offered, and shall examine the record of conviction, which shall be deemed presumptive evidence of the facts therein contained until disproved.

Powers of
court in re-
lation to
disorderly
persons.

Sec. 1558. The circuit court may discharge such disorderly person from confinement, either absolutely or upon receiving sureties for his good behavior, in the discretion of the court, or the said circuit court may, in its discretion, authorize the superintendents of the poor of the county to bind out such disorderly persons as shall be minors, in some calling, as servants or apprentices, or otherwise, until they shall be of full age, respectively, or to contract for the service of such disorderly persons as shall be of full age, with any person, as laborers or servants, for any time not exceeding one year, which binding out and contracts shall be as valid and effectual as the indenture of any apprentice with his own consent and the consent of his parents, and shall subject the persons so bound out or contracted for to the same control of their masters, respectively, and of such circuit court, as if they were bound as apprentices.

Approved March 19, 1863.

[No. 156.]

AN ACT to amend section twenty-seven, chapter one hundred and six, of the revised statutes of eighteen hundred and forty-six, it being section four thousand four hundred and sixty-five of the compiled laws.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-seven, of chapter one hundred and six, of the revised statutes of eighteen hundred and forty-six, be and the same is hereby amended so as to read as follows:

Property
exempt
from levy
and sale on
execution.

Sec. 27. The following property shall be exempt from levy and sale under any execution, or upon any other final process of a court:

First. All spinning wheels, weaving looms with the apparatus, and stoves put up and kept for use in any dwelling house;

Second. A seat, pew or slip, occupied by such person or family, in any house or place of public worship;

Third. All cemeteries, tombs and rights of burial, while in use as repositories of the dead;

Fourth. All arms and accoutrements required by law to be kept by any person; all wearing apparel of every person or family;

Fifth. The library and school books of every individual and family, not exceeding one hundred and fifty dollars, and all family pictures;

Sixth. To each householder, ten sheep, with their fleeces, and the yarn or cloth manufactured from the same; two cows, five swine, and provisions and fuel for comfortable subsistence of such householder or family for six months;

Seventh. To each householder, all household goods, furniture and utensils, not exceeding in value two hundred and fifty dollars;

Eighth. The tools, implements, materials, stock, apparatus, team, vehicle, horses, harness or other things, to enable any person to carry on the profession, trade, occupation or business in which he is wholly or principally engaged, not exceeding in value two hundred and fifty dollars;

Ninth. A sufficient quantity of hay, grain, feed and roots, whether growing or otherwise, for properly keeping for six months the animals in the several sub-divisions of this section, exempted from execution, and any chattel mortgage, bill of sale, or other lien created on any part of property above described, except such as is mentioned in the eighth sub-division of this section, shall be void, unless such mortgage, bill of sale or lien be signed by the wife of the party making such mortgage or lien, (if he have any.)

Sec. 2. This act shall take immediate effect.

Approved March 19, 1863.

[No. 157.]

AN ACT to provide for improving a certain State road from the village of Gaines to the village of Flushing, in the county of Genesee.

SECTION 1. *The People of the State of Michigan enact, That* for the purpose of improving that portion of a State road in the county of Genesee, established and laid out as hereinafter described, there shall be and is hereby appropriated all of the highway taxes that shall be collected within the period of three years from the time this act shall take effect, upon such non-resident lands, the half or more of any legal sub-division of which lies within two lines running parallel with said road, one mile on each side from the centre thereof, and within the limits of the townships through which said road passes; said road commencing at the village of Gaines and running one mile north-easterly to the north-east corner of section thirty-one, in the township of Gaines, thence north on section line seven miles, thence north-easterly across section twenty, in the township of Clayton, thence north on section line two miles, thence east on section line one and a half miles, thence north on quarter line to the village of Flushing, in the township of Flushing.

Sec. 2. Thurston Simmons, of Gaines, in said county of Genesee, is hereby appointed a commissioner to superintend the expenditure of such sums of money as shall be collected for the benefit and improvement of said road, and to direct and determine the manner in which the labor thereon shall be performed: *Provided*, That all moneys so assessed and collected in each of the several townships hereinbefore mentioned, shall be expended within the limits of the township wherein the same may have been collected.

Sec. 3. The said commissioner, before any moneys so collected, as aforesaid, shall be received by him, shall give a bond to the county treasurer of the said county of Genesee, with one or more sufficient sureties, in double the amount to be received, conditioned for the faithful performance of all his duties as such

commissioner, which bond shall be approved by such county treasurer, and be filed in the office of the clerk of said county.

Sec. 4. Any overseer of highways, or any township treasurer, ^{Taxes received to be paid commissioner.} having received any portion of such tax, by way of commutation or otherwise, shall, on demand of said commissioner, pay over to him any sum so received; and the receipt of such commissioner shall release such overseer or treasurer from any further liability therefor.

Sec. 5. It shall be the duty of said commissioner to render to ^{Report of commissioner.} the board of supervisors of said county of Genesee, at their annual session in each year, a true account of the application and disbursement of all moneys he may have received [in each] of such townships respectively, under the provisions of this act.

Sec. 6. The said commissioner shall receive a compensation ^{Compensation of commissioner.} of one dollar and fifty cents per day while actually engaged in the performance of the duties imposed on him by this act, which amount shall be paid out of the fund created by this act, after his account for the same, verified by his oath, shall have been audited by the board of supervisors of the said county of Genesee.

Sec. 7. In case the aforesaid commissioner shall neglect or ^{Vacancy how filled?} refuse to serve as such, or if a vacancy shall occur by death, removal, or otherwise, the treasurer, sheriff and clerk of said county of Genesee shall have power to appoint a commissioner to fill such vacancy; and on application, in writing, made by five freeholders, resident citizens of any of the townships aforesaid, such officers, so receiving such application, shall proceed at once, or without unnecessary delay, to appoint a commissioner to fill such vacancy, which appointment shall be in writing, and signed by at least two of such officers, and may be filed and recorded in the office of the clerk of said county. The commissioner so appointed shall be required to give bonds ^{and} in like manner, and shall have the same powers and compensation, as the commissioner appointed by this act.

Sec. 8. This act shall take immediate effect.

Approved March 19, 1863.

[No. 158.]

AN ACT to lay out and establish a State road in the Upper Peninsula, to be known as the mineral range State road extension in the Upper Peninsula, and to provide for the construction of the same.

Commissioners.

Route of road.

SECTION 1. *The People of the State of Michigan enact*, That there shall be laid out and established in the Upper Peninsula, a road to be known as the mineral range State road extension, by three commissioners, to wit: Augustus Coburn, Wm. E. Dickinson and Joseph Coulter, beginning at the county line between the counties of Ontonagon and Houghton, at the point where the mineral range State road intersects said county line, and from thence to the village of Ontonagon, on such eligible route as said commissioners, or a majority of them, may determine.

Appropriation of lands

Sec. 2. To secure the construction of said road, there is hereby appropriated an amount of State swamp lands in the Upper Peninsula equal to two sections of six hundred and forty acres each, for every mile of said road, to be selected from any of the State swamp lands in the Upper Peninsula not otherwise appropriated or selected by the State as mineral lands.

Power of commissioners relative to constructing road.

Sec. 3. That the work of constructing said road may be commenced by the commissioners at such points, and proceed in such manner as they, or a majority of them, may deem most advisable.

Letting of contracts to be advertised.

Sec. 4. Before making any contract for the construction of said road, the commissioners shall advertise the letting of contracts at least thirty days, in some newspaper published in the county of Ontonagon, and by posting up printed notices of the same, in at least ten principle public places in said county, giving notice of the time and place of letting the contracts, and shall let them to the lowest responsible bidders:

Supervisors not to be interested in contracts.

Provided, That no member of the board of supervisors of Ontonagon county shall be in any way interested in such contract, and any contractor, or any one interested in any manner

in such contract or contracts, shall be ineligible to the office of supervisor of said county during the continuance of his interest therein.

Sec. 5. The commissioners, upon making any contracts for the construction of said road, or any part thereof, shall require security for its faithful performance, and shall file a duplicate copy of said contract in the office of the clerk of the county of Ontonagon, with a plat of said road, or such part thereof as is embraced in such contract; and said commissioners shall, on the first day of July in each year, file with the clerk of said county a sworn statement of all contracts, and all expenditures made by them on the same, with the vouchers for each and every payment.

Duty of commissioners upon making contracts.

Sec. 6. The commissioners on said road shall each be entitled to two dollars per day for every day actually employed on said road, which shall be paid by the county of Ontonagon; and the board of supervisors of said county shall be a board of examiners and auditors, whose duty it shall be to examine the work done on said road, and if, in their opinion, the work is done in accordance with the contract, they shall approve the same.

Compensation of commissioners.

Board of supervisors to examine work and audit accounts.

Sec. 7. Said road shall be cleared four rods wide, graded twenty feet wide in the center, and thoroughly ditched with longitudinal ditches and side-cuts sufficient to drain the same.

Road, how constructed.

Sec. 8. The contractors, or any of them, may at any time have an estimate made of the amount of work done on any part of said road by the commissioners, and when said estimate is approved by the board of supervisors, the county clerk of said county shall certify said estimate of the commissioners, with the approval of the board of supervisors, to the Commissioner of the State Land Office, who shall thereupon cause patents to be issued to such contractors, or their order, for an amount of land subject to the act of Congress donating the same to the State, in regard to drainage and reclamation, equal to three-fourths of the amount of work estimated to have been done, and approved as aforesaid, the remaining one-fourth to

Estimate of work done.

When approved, patents to be issued.

be withheld until the whole amount of work contracted for is completed; said land to be rated at one dollar and twenty-five cents per acre.

Lands to be
withdrawn
from mar-
ket.

Sec. 9. When the contract is let and approved, the commissioners or contractors may proceed to select the amount of land they are entitled to by the provisions of this act from any State swamp lands in the Upper Peninsula not otherwise appropriated, and upon a description of the lands thus selected being filed in the State land office, the Commissioner of the State Land Office shall withdraw the same from market.

Upon com-
pletion of
contract
patents to
be issued.

Sec. 10. Upon the completion of said road in accordance with the contracts, to the satisfaction of the board of supervisors of said county of Ontonagon, they shall certify the same to the Commissioner of the State Land Office, and said commissioner shall, upon the receipt of such certificate of completion, cause to be issued patents for the lands selected on said contracts, subject to the act of Congress donating said lands, relative to drainage and reclamation, to such persons as the commissioners for said road, or a majority of them, shall direct.

Right of
way gran-
ted through
State lands.

Sec. 11. The right of way for said road is hereby granted through any lands owned by the State of Michigan.

Sec. 12. All acts and parts of acts contravening this act are hereby repealed.

Approved March 19, 1863.

[No. 159.]

AN ACT to provide for the opening and improvement of roads on the line between adjoining townships.

SECTION 1. *The People of the State of Michigan enact, That* whenever a road shall have been laid out and established on the line between adjoining townships, upon the petition of twelve freeholders of either township, the commissioners of highways of the respective township shall meet upon the line of such road and make an examination into the condition of

Proceedings
on the open-
ing of roads.

the same, and if, in their opinion, or a majority of them, the public good require the opening of such road, or the improvement of the same, and that the highway labor assessed thereon is insufficient to open such road or make such improvement, they shall proceed to let contracts for the opening and improvement of such road, and when such contracts are completed and accepted, give orders upon the treasurer of the township to which such road or part of road belonged, payable out of any money raised or to be raised for that purpose, and notify the supervisors of said township or townships of the amount of such order, and it shall be the duty of the supervisor to assess the same upon the taxable property of the township in the same manner as other township taxes are assessed and collected: *Provided*, Such contract shall not exceed fifty dollars in any one year on any one road in such township.

Sec. 2. This act shall take immediate effect.

Approved March 19, 1863.

[No. 160.]

AN ACT to provide for the improvement of a certain road in the counties of Eaton and Ingham.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of improving the State road running from the city of Lansing, in Ingham county, through the village of Charlotte to the village of Bellevue, in Eaton county, all of the non-resident highway taxes that shall be assessed upon the non-resident lands, the half or more of any legal sub-division of which lies within one mile each way from the centre of said road, be and the same are hereby appropriated for the improvement of such highway for the period of five years from the time this act shall take effect, to be expended as hereinafter provided.

Sec. 2. That Harvey Williams, of Charlotte, in the county of Eaton, be and he hereby is appointed special commissioner to superintend the expenditure of such sums of money as may, from time to time, be collected and received by him, under the

provisions of this act, and to direct and determine the manner in which the labor shall be applied for the improvement of said road.

Taxes received to be paid commissioner.

Sec. 3. Any overseer of highways in any township in which lie any of the lands, the non-resident highway tax upon which is hereby appropriated, or any township treasurer thereof having received any portion of said tax by way of commutation or otherwise, shall, on demand of such special commissioner, pay over to him any sums so received, and the receipt of such commissioner shall release such overseer or treasurer from any further liability therefor.

Report of commissioner.

Sec. 4. It shall be the duty of said special commissioner to render to the board of supervisors of Eaton county, at their annual session, a true account of the application and disbursement of all moneys he may have received during the year by virtue of this act.

Commissioner to give bond.

Sec. 5. Before the said special commissioner shall draw any money by virtue of this act, he shall give a bond to the county treasurer of the county of Eaton, with one or more sufficient sureties, to be approved by said county treasurer, and in such amount as said treasurer shall direct, conditioned for the faithful performance of the duties imposed upon him by this act, which bond shall be filed with the county clerk of said county of Eaton.

Commissioner may receive donations.

Sec. 6. Said special commissioner may receive donations and subscriptions for the benefit of said highway, and shall cause the same to be faithfully applied to the improvement thereof, and may, in his own name, sue for and recover any such subscriptions.

Compensation of commissioner.

Sec. 7. Said special commissioner shall receive, as compensation for his services, not exceeding one dollar and fifty cents per day while actually engaged, which amount shall be audited and allowed by the board of supervisors of Eaton county, and paid out of the fund created by this act; and the said board of supervisors shall require said special commissioner to verify his accounts by oath or affidavit.

Sec 8. In case the special commissioner appointed by this act shall neglect or refuse to serve, or in case a vacancy shall occur by death, removal or otherwise, the county clerk, treasurer and judge of probate of Eaton county shall have power, and by virtue of this act may appoint a commissioner to fill such vacancy, and such appointment shall be certified in writing by the officers making the same, and filed in the office of the county clerk of said county of Eaton; and whenever such vacancy shall occur, the said officers shall proceed at once, or without unnecessary delay, to appoint a commissioner to fill said vacancy. The commissioner so appointed shall be required to give bonds in like manner, and have the same powers, as the commissioner appointed by this act.

Approved March 19, 1863.

[No. 161.]

AN ACT to amend an act entitled "an act to amend an act entitled an act to provide for the relief, by counties, of the families of volunteers mustered from this State into the military service of the United States, or of this State, approved May tenth, eighteen hundred and sixty-one, and add certain sections thereto," approved January seventeenth, eighteen hundred and sixty two, by adding thereto another section.

SECTION 1. *The People of the State of Michigan enact, That* said act be amended by adding another section thereto, to stand as section ten, to read as follows:

Sec. 10. The common council of the city of Detroit shall appoint, on the recommendation of the mayor of said city, some suitable person, whose duty it shall be to afford such temporary relief as may be necessary for the support of such families as shall be entitled to relief under and by virtue of this act, or the act to which this is amendatory, in said city, not exceeding the sum of fifteen dollars per month, and not exceeding to any family or person the actual sum necessary, with his, her, or their other means of support, to relieve such family or person; and said person so appointed shall discharge all the duties of all the

Compensation of.

aldermen of said city enjoined by this act, or the act to which this is amendatory, and in accordance with the rules specified therein; and such person may give orders upon the county treasurer of his county, payable only to the person, or order, who is for the time being the head of the family to whom relief is afforded; such person so appointed shall be entitled to such compensation for his services as shall be determined by the supervisors of his county, to be audited, allowed and paid as other accounts against said county.

Sec. 2. This act shall take immediate effect.

Approved March 19, 1863.

[No. 162]

AN ACT to provide for constructing a ditch or drain through Black river swamp, in Sanilac county.

Governor to appoint commissioner. SECTION 1. *The People of the State of Michigan enact*, That for the purpose of constructing a ditch or drain through Black river swamp, in Sanilac county, the Governor shall appoint a commissioner, who shall proceed to survey, establish a grade for and locate a ditch or drain, commencing at or near where the east and west line between township eleven and twelve, in range fifteen, crosses Black river, thence running as near a west course as practicable through the entire length of said swamp or marsh, to the quarter line between section four, in township eleven, and section thirty-three, in township twelve.

Appropriation of lands

Provido.

Dimensions of drains.

Sec. 2. To secure the construction of said ditch [or drain,] there is hereby appropriated an average amount of six hundred and forty acres of State swamp land to each mile of said ditch or drain: *Provided*, That the lands so appropriated shall not exceed six sections, and shall be selected within the limits of said swamp, and as near to said ditch or drain as may be.

Sec. 3. Said ditch or drain shall not average less than twelve feet in width at the top, four feet at the bottom, and three and one-half feet in depth, and shall be so constructed as to drain off the water to the bottom of said ditch or drain.

Sec. 4. Said ditch or drain shall be surveyed, graded and ^{Constructed under the provisions of former acts.} constructed under the provisions of act number one hundred and seventeen of the session laws of eighteen hundred and fifty-nine, and the acts amendatory thereto.

Approved March 19, 1868.

[No. 163.]

AN ACT to amend act number two hundred and thirteen, of the laws of eighteen hundred and sixty-one, approved March fifteenth, eighteen hundred and sixty-one, entitled "an act to organize the county of Bleeker."

SECTION 1. *The People of the State of Michigan enact, That* sections one, two, three, four, five, six, seven, eight, nine, ten, ^{Sections amended.} eleven and twelve, of act number two hundred and thirteen, of the laws of eighteen hundred and sixty-one, entitled "an act to organize the county of Bleeker," be and the same are hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That* the county of Bleeker is hereby organized into the county of Menominee, and the inhabitants thereof entitled to all the rights and privileges to which by law the inhabitants of other organized counties of the State are entitled. ^{County organized.}

Sec. 2. The county seat of said county shall be and is hereby ^{County seat} located in township thirty-one north, of range twenty-seven west, and John Quimby, Sr., Nicholas Gewehr and E. S. Ingalls are hereby appointed commissioners to locate the same. If said commissioners, or any two of them, shall fail to locate said county seat within one year from May next, then the board of supervisors and county clerk of said county shall locate the same.

Sec. 3. The township clerk of the township of Menominee, in ^{County officers, election of.} said county, shall give notice as is required by law to be given by the sheriff in fully organized counties, that there will be a special election, to be held at the places hereinafter designated to hold town meetings in townships organized under this act,

said election to be held on the first Monday of May next, at which all the county officers to which by law said county is entitled shall be elected, whose term of office shall expire the first day of January, A. D. eighteen hundred and sixty-five, and when their successors are elected and qualified. Said county officers so elected shall, within thirty days after being notified by the chairman of the board of canvassers of said county election, file with said board the necessary oaths of office and bonds, as required by law, and enter upon their duties.

Oaths of of-
fice and
bonds.

Board of
county can-
vassers.

Duties of.

Sec. 4. That John K. Kitsen, Nicholas Gewchr and John Quimby, Sr., of the town of Menominee, are hereby constituted a board of canvassers for the said county, for the first election of county officers of said county, and are required to meet at the place of holding the first township meeting in the township of Menominee, in said county, on the Tuesday following the first Monday next after the election as aforesaid, whose duty it shall be to canvass the votes of said election, and to approve the necessary bonds, and administer the oath of office, as is required by law in such cases, and any two of the board shall constitute a quorum for the transaction of business: *Provided*, That if the said board shall fail to meet on the day above named, they may meet on any other subsequent day of the same month.

Place for
courts and
county offi-
ces, to be
designated.

Sec. 5. The sheriff and county clerk elected under the provisions of this act shall designate a suitable place for holding the district court in said county, and suitable places for the several county officers, which shall be as near as the circumstances will admit to the county seat established under the provisions of this act; and they shall make and subscribe a certificate in writing, describing the place thus designated, which certificate shall be filed and preserved by the county clerk. The places thus designated shall be the places of holding the district court of said county.

Transcript
of records
to be made.

Sec. 6. The county register of said county shall make, or cause to be made, a transcript of all records made in other

counties, which are necessary to be and appear upon the records of said county of Menominee, and the board of supervisors of said county shall, within one year after the first meeting of the board, make provisions for defraying the expenses of the same.

Sec. 7. That said county of Menominee, when so organized, shall be attached to the district court of the Upper Peninsula, and the Judge of said district shall hold courts in said county, as by law in such case made and provided.

Attached to
Upper Pen-
insula for
judicial pur-
poses.

Sec. 8. The said county of Menominee shall belong to and be a part of the representative district composed of the counties of Marquette, Chippewa, Schoolcraft, Delta and Menominee, and of the thirty-second senatorial, and sixth congressional districts.

Where at-
tached for
representa-
tive and
senatorial
purposes.

Sec. 9. That nothing in this act shall in any way interfere with the authority of the officers of Marquette in collecting the taxes assessed within said county of Menominee, for the year of eighteen hundred and sixty-two, but that all such taxes, when collected, after deducting therefrom the State taxes, and the legal costs and charges of the assessment and collection of the same, shall be paid over by the treasurer of the county of Marquette to the treasurer of the county of Menominee.

Taxes of
1862.

Sec. 10. That all that part of the said county of Menominee which is included in ranges twenty-five and twenty-six west, and fractional township thirty five and township thirty-six north, of range twenty-four west, shall be and is hereby organized as a separate township by the name of Cedarville; and the first township meeting for electing the proper officers for such township shall be on the first Tuesday in April next, at the boarding-house pertaining to the Cedar river mills. At said first meeting of the electors of said township, they shall proceed, *viva voce*, to elect three of their number to act as inspectors of said first township meeting, who are hereby empowered to perform all the duties which are required by law to be done in organized counties.

Township of
Cedarville.

Township
meeting.

Sec. 11. That all that part of said county of Menominee

Township of Menominee. which is not included within the said township of Cedarville, shall be and is hereby organized into a separate township, to be called Menominee; and the first annual meeting for the purpose of electing the proper officers for such township, shall be held at the house of John Quimby, Sr., on the first Tuesday in April next, and be conducted in the manner prescribed in section ten of this act.

Township meeting.

Acts declared void. Sec. 12. All acts and parts of acts contravening the provisions of this act, are hereby declared inoperative and void within the county of Menominee hereby organized.

Sec. 13. This act shall take immediate effect.

Approved March 19, 1863.

[No. 164.]

AN ACT to lay out and establish the Ontonagon and State line road in the Upper Peninsula, and to provide for the construction of the same.

Appropriation of lands. SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and established in the Upper Peninsula a State road leading from the village of Ontonagon, southerly to the State line, to be known as the Ontonagon and State line road, and there is hereby appropriated, for the construction of said road, a quantity of the State swamp land, to be selected and located in the Upper Peninsula, equal to two sections of six hundred and forty acres each, for every mile of said road, to be rated at the minimum price of one dollar and twenty-five cents per acre.

Commissioners. Sec. 2. There shall be appointed three commissioners upon said road, to wit: Augustus Coburn, James B. Townsend and Ellis Roberts, whose duty it shall be to superintend and direct the letting of contracts, locating and constructing the road, and they shall severally receive for their services two dollars per day for every day actually employed on said road, which shall be paid by the county of Ontonagon, upon being audited and allowed by the board of supervisors of said county.

Compensation of.

Sec. 3. The commissioners are hereby authorized to commence the construction of said road at such points, and proceed in such manner, in the construction, as they, or a majority of them, may deem most advisable.

Authority of commissioners relative to construction of road.

Sec. 4. Before making any contracts for the construction of said road, or any part thereof, the commissioners shall advertise the letting of contracts, at least thirty days, in some newspaper published in the county of Ontonagon, and by posting up printed notices in at least ten public places in said county, giving the time and place of the letting, and shall let the contracts to the lowest responsible bidders: *Provided*, That no member of the board of supervisors of Ontonagon county shall be in any way interested in such contract, and any contractor, or any one interested in any manner in such contract or contracts, shall be ineligible to the office of supervisor of said county during the continuance of his interest therein.

Contractors to be advertised.

Supervisors not to be interested in contracts.

Sec. 5. The commissioners, upon making any contract for the construction of said road, or any part thereof, shall require of the contractors ample security for its faithful performance, and shall file a duplicate copy of said contract with the clerk of the county of Ontonagon, with a plat of said road, or such part thereof as is embraced in any contract; and said commissioners shall, on the first day of July in each year, file with the clerk of said county a sworn statement of all contracts, and all expenditures thereon, with the vouchers for each and every payment.

Contractors to give security.

Sec. 6. The board of supervisors of the county of Ontonagon shall be a board of examiners and auditors for said road, whose duty it shall be to examine the work done on said road, and if, in their opinion, the work is done in accordance with the contract, they shall approve the same.

Board of supervisors to examine work and audit accounts.

Sec. 7. Said road shall be cleared four rods wide, and grubbed twenty feet wide, well ditched longitudinally, with side cuts sufficient to carry off all the water and effectually drain said road.

Width, etc., of road.

Sec. 8. The contractors, or any of them, may at any time have

Estimate of
work done.

an estimate made by the commissioners of the work done on any part of said road, and when said estimate is approved by the board of supervisors, the county [clerk] of said county shall certify said estimate to the Commissioner of the State Land Office, with the approval of the board of supervisors, and the Commissioner of the State Land Office shall thereupon cause to be issued to such contractor, or his order, patents for an amount of State swamp lands, subject to the conditions of the act of Congress donating the same to this State, in regard to drainage and reclamation, which, at one dollar and twenty-five [cents] per acre, would amount to three-fourths of the amount of work estimated to be done and approved as aforesaid, the remaining one-fourth of said estimate to remain unpaid until the work contracted to be done is completed.

When ap-
proved pa-
tents to is-
sue.

Lands to be
withdrawn
from
market.

Sec. 9. When any contract is let and approved, the commissioners or contractor may proceed to select the amount of land they are entitled to by the provisions of this act, from any of the State swamp lands in the Upper Peninsula not otherwise appropriated or selected by the State as mineral lands; and upon a description of the lands thus selected being filed with the Commissioner of the State Land Office, he shall withdraw the lands from market.

Upon com-
pletion of
contract,
patents to
issue.

Sec. 10. Upon the completion of said road in accordance with the contracts, to the satisfaction of the board of supervisors of the county of Ontonagon, they shall certify the same to the Commissioner of the State Land Office, and said commissioner shall thereupon cause to be issued patents for the lands selected on said contracts, subject to the conditions of the act of Congress donating the same to this State in regard to drainage and reclamation, to such persons as the commissioners for said road shall direct.

Right of
way
through
State lands.

Sec. 11. The right of way is hereby granted for said road through any lands of this State.

Sec. 12. All acts and parts of acts contravening this act are hereby repealed.

Approved March 19, 1868.

[No. 165.]

AN ACT making appropriations for the support of the State Normal School.

SECTION 1. *The People of the State of Michigan enact*, That the State Treasurer shall transfer from the general fund to the normal school interest fund, the sum of six thousand and five hundred dollars for the year eighteen hundred ~~and~~ sixty-three, and six thousand five hundred dollars for the year eighteen hundred and sixty-four, which sums are hereby appropriated to the normal school interest fund, and shall be drawn from the treasury in the manner now provided by law in relation to that fund.

Approved March 19, 1863.

[No. 166.]

AN ACT for the incorporation of boards of trade and chambers of commerce.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than twenty, residing in any town or city, may associate themselves together as a board of trade, and assemble at any time and place upon which a majority of the members so associating themselves together may agree, and elect a president, one or more vice presidents, and such other officers as may be determined upon, adopt a name, constitution and by-laws, such as they may agree upon, and shall thereupon become a body corporate and politic in fact and in name, by the name, style or title which they have adopted, and by that name shall have succession, shall implead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity whatever, and they and their successors shall have a common seal, and may alter and change the same at any time, at their discretion.

Sec. 2. Said corporation shall have the right to admit members such persons as they may see fit, and expel any mem-

By-laws. ber or person they may see fit; and in all cases a majority of the members present at any stated meeting shall have the right to pass, and also the right to repeal any by-law of said corpo-

Constitution and by-laws binding until amended. ration; and in all cases the constitution and by-laws adopted by such corporation shall be binding upon and control the same until altered, changed or abrogated, in the manner that may

Proviso. be prescribed in said constitution: *Provided*, That any amendment to said by-laws, or motion to repeal the same, shall be made at a meeting next previous to that on which a vote is to be taken to repeal or amend.

Corporation may hold real and personal estate. Sec. 3. Said corporation, by the name and style which shall be adopted, may receive and hold property and effects, real and personal, by gift, devise or purchase, and dispose of the same by sale, lease or otherwise, said property so held not to exceed at any time the sum of one hundred thousand dollars.

Election and appointment of officers. Sec. 4. The time and manner of holding elections, and making appointments of such officers as are not elected, shall be established by the constitution or by-laws of such corporation. The president and vice presidents shall be *ex officio* members of the board of directors, and together with the directors elected, shall manage the business of said corporation.

Committee of reference, arbitration and appeal. Sec. 5. Said corporation may constitute and appoint committees of reference and arbitrations, and committees of appeals, who shall be governed by such rules and regulations as may be prescribed in rules or by-laws for the settlement of such matters of difference as may be voluntarily submitted for arbitration by members of such association, or by other persons not members thereof; the acting chairman of either of said committees, when sitting as arbitrators, may administer oaths to the parties and witnesses, and issue subpoenas and attachments compelling the attendance of witnesses, the same as justices of the peace, and in like manner directed to any constable to execute.

Powers of chairman.

When execution may issue on award.

Sec. 6. When any submission shall have been made in writing, and a final award shall have been rendered, and no appeal taken within the time fixed by the rules or by-laws, then on filing such awards and submission with the clerk of the circuit

court of the county where either of the justices reside, an execution may issue upon such award as if it were a judgment rendered in the circuit court, and such award shall thenceforth have the force and effect of such a judgment, and shall be entered upon the judgment docket of said court.

Sec. 7. It shall be lawful for such corporation, when they shall think proper, to receive and require of and from their officers, whether elected [or] appointed, good and sufficient bonds for the faithful discharge of their duties and trusts; and the president, vice presidents or secretary is hereby authorized to administer such oaths of office as may be prescribed in the by-laws of such corporation; said bond shall be made payable and conditioned as prescribed by the by-laws of such corporation, and may be sued, and the moneys collected and held for the use of the party injured, or such other use as may be determined upon by said corporation.

Bond and
oath of off-
cers.

Sec. 8. Said corporation shall have power to appoint one or more persons, as they may see fit, to examine, weigh, measure, gauge or inspect flour, grain, provisions, liquor, lumber, or any other article of produce or traffic commonly dealt in by the members of said corporation; and the certificate of such person or inspector as to the quality or quantity of such article, or their brand or mark upon it, or upon any package containing such article, shall be evidence between buyer and seller of the quantity, grade or quality of the same, and shall be binding upon the members of said corporation, or others interested, and requiring or assenting to the employment of such weighers, measurers, gaugers or inspectors; nothing herein contained, however, shall compel the employment by any one of any such appointee.

Inspector,
appoint-
ment and
duties of.

Certificate
of.

Sec. 9. Said corporation may inflict fines upon any of its members and collect the same, for breach of its rules, regulations or by-laws, but no fine shall exceed five dollars; such fines may be collected by action of debt before a justice of the peace, in the name of such corporation.

Corporation
may inflict
fines.

Restrictions Sec. 10. Such corporations shall have no power to do or carry on any business, excepting such as is usual in the management of boards of trade or chambers of commerce, or as provided in the foregoing sections of this bill.

Approved March 19, 1863.

[No. 167.]

AN ACT to amend sections three thousand six hundred and twenty-two, three thousand six hundred and twenty-three, and three thousand six hundred and twenty-four, of chapter one hundred and sixteen, of the compiled laws, so as to authorize the judges of the circuit courts to perform the duties of judges of probate, in certain cases.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections three thousand six hundred and twenty-two, three thousand six hundred and twenty-three, and three thousand six hundred and twenty-four, of chapter one hundred and sixteen, of the compiled laws, be and the same are hereby amended so as to read as follows:

When circuit judge to perform the duties of probate judge.

Sec. 3622. If a judge of probate shall remove out of his county, or shall die, resign, or otherwise become incapacitated for executing the duties of his office, the judge of the circuit court for such county shall hold the court, and have all the powers, and perform all the duties, of judge of probate therein, until such incapacity is removed, or until another judge shall be elected and qualified.

Id.

Sec. 3623. When a judge of probate, his wife or child, shall be an heir or legatee, or when such judge shall be an executor or administrator of a deceased person, he shall be deemed incapacitated for executing the duties of his office in relation to that estate; and the judge of the circuit court for the same county shall perform such duties.

Id.

Sec. 3624. When the judge of probate, as creditor or otherwise, shall be interested in any question to be decided by the court, he shall be deemed incapacitated for acting in the decision of that question, and the judge of the circuit court for

the same county, in such case, shall perform the duties of judge of probate.

Sec. 2. This act shall take immediate effect.

Approved March 19, 1863.

[No. 168.]

AN ACT to amend section sixteen, of chapter one hundred and ninety-four, of the compiled laws, entitled "of the arrest and examination of offenders, commitment for trial, and taking bail."

SECTION 1. *The People of the State of Michigan enact, That* section sixteen, of chapter one hundred and ninety-four, of the compiled laws, be so amended as to read as follows: Section amended.

Sec. 16. Witnesses may be compelled to appear before such magistrate by subpoenas issued by him, or by any officer or court authorized to issue subpoenas, in the same manner, and with the like effect, and subject to the same penalties for disobedience, or for refusing to be sworn or to testify, as in cases of trials before justices of the peace; and the evidence given by the several witnesses examined shall be reduced to writing by the magistrate, or under his direction, and shall be signed by the witnesses respectively. Witnesses may be compelled to appear.
Evidence to be reduced to writing.

Approved March 19, 1863.

[No. 169.]

AN ACT to authorize the board of supervisors of the county of Ontonagon to levy a tax to refund to the court house fund of said county, paid out for soldiers' bounty.

SECTION 1. *The People of the State of Michigan enact, That* the board of supervisors of the county of Ontonagon is hereby authorized to levy and collect a tax upon the taxable property of said county, to an amount sufficient to refund to the county treasury, to be placed to the credit of the court house fund, the amount taken therefrom for the payment of bounties to volunteer soldiers, by order of said board of supervisors. Tax authorized.

Approved March 19, 1863.

[No. 170.]

AN ACT to amend an act entitled "an act to provide for the formation of companies to construct canals or harbors, and improve the same," approved March thirteenth, A. D. eighteen hundred sixty-one, and act an amendatory thereto, approved January eighteenth, eighteen hundred and sixty-two.

Act amended.

SECTION 1. *The People of the State of Michigan enact, That* an act entitled "an act to provide for the formation of companies to construct canals or harbors, and improve the same," approved March thirteenth, A. D. one thousand eight hundred and sixty-one, and an act amendatory thereto, approved January eighteenth, eighteen hundred and sixty-two, be and the same is hereby amended so as to read as follows:

Corporations may be formed.

Sec. 1. Any number of persons, not less than three, may be formed into a corporation for the purpose of constructing a canal or harbor, or improving the navigation of any river or stream in this State, by dredging out the channel, making a new entrance, and constructing canals to straighten the same, or by any of said methods, by complying with the following requirements: notice shall be given in at least one newspaper printed in each county where the said canal or improvement is proposed to be constructed, at least two weeks, of the time and place or places where books for subscribing to the stock of such company will be opened, and of the estimated cost of said canal or improvement, which notice may be signed by any two persons proposing to enter upon the construction of said canal or improvement; if there be no newspaper printed in such county, then it shall be printed in some newspaper in an adjoining county, if any, or if none, then it shall be printed in some newspaper in the city of Detroit; and in the latter case notices shall also be posted in three of the most public places of the township, city or village, where said meeting is to be held, during the same time; and when stock to the amount of one thousand dollars per mile of such canal or improvement so intended to be built shall be subscribed, and five per cent. paid

Notice thereof to be given.

Directors, when elected.

thereon, then the said subscribers, upon due and proper notice, signed by any two of said subscribers, may elect directors for the said corporation; and thereupon they shall severally subscribe articles of association, in which shall be set forth the name of said company, the number of years the same is to be continued, the amount of capital stock, the number of shares of said stock, the number of directors, the names of those elected to hold office for the first year, the nature and extent of said canal or improvements, and the length thereof, as near as may be. Articles of association contents of

Sec. 2. Each subscriber to such articles of association shall subscribe thereto his name and place of residence, and the number of shares of stock taken by him. The said articles shall be filed in the office of the Secretary of State, and thereupon the persons who have so subscribed, and all persons who shall from time to time, become stockholders in said company, by assignment or otherwise, shall be a body corporate by the name specified in such articles, and as such shall be capable of suing and being sued in all courts, purchasing and acquiring all property necessary to be used in the construction and keeping in repair of said canal, or harbor, or improvement, or any works necessary for the same, and may, by such by-laws as shall be adopted by said company, prescribe the manner of calling and conducting the meetings of the stockholders, and shall possess the powers and privileges, and be subject to the provisions contained in chapter fifty-five, of the revised statutes of one thousand eight hundred and forty-six, so far as the same shall be applicable and not inconsistent with the provisions of this act, and shall also have power to issue bonds to the amount of one-half the capital paid in, bearing such rates of interest as shall be directed by the board of directors: *Provided*, That no such bond shall be issued for a less sum than one hundred dollars, nor sold at less than the face thereof, without a vote of the stockholders authorizing the same. Stockholders to subscribe to articles. Articles to be filed. Body corporate, powers of. By-laws. Privileges and restrictions. May issue bonds.

Sec. 3. Such articles of association shall not be filed in the office of the Secretary of State until five per cent. of the capital subscribed shall have been paid to the directors named in the Conditions precedent to filing articles.

Stockholders not to vote unless dues are paid.

articles, nor until there is endorsed on said articles, or annexed thereto, an affidavit of two of the directors that the amount of capital stock required by the first section has been subscribed, and five per cent. paid; and no stockholder shall be entitled to vote on any question which shall come before a meeting of the stockholders unless all assessments due on stock standing in his name shall have been paid.

Certified copy of articles to be evidence.

Sec. 4. A copy of said articles, filed in pursuance of this act, certified by the Secretary of State to be a true copy, and of the whole thereof, shall be, in all courts and places, presumptive evidence of the incorporation of such company, and of the facts therein stated.

Board of directors.

Notice of election.

Each share entitled to a vote.

Vacancies.

Officers of board.

Powers of president and directors.

Sec. 5. The business and property of such company shall be managed by a board of not less than three nor more than seven directors, who, after the first year, shall be elected annually, at such time and place as the by-laws direct; and public notice shall be given of such election, not less than twenty days previous thereto, in such manner as shall be prescribed by the by-laws; the election shall be made by such stockholders as shall attend for that purpose in person or by proxy; each share shall be entitled to one vote, and the person receiving the greatest number of votes shall be declared elected. All vacancies in the board shall be filled by the remaining directors, until another election. In case the election of directors is not held on the day fixed by the by-laws, it may be held on any day thereafter fixed by the board, on giving the same notice of the time and place as in case of an annual election.

Sec. 6. A majority of the directors shall be a board for the transaction of business; at the first meeting after their election, they may elect one of their number president, and appoint such other officers as the articles of association or by-laws require.

Sec. 7. The president and directors shall have power to make and prescribe such rules and regulations, respecting the transfer of the stock, either before its full payment or thereafter, and for the general management of the affairs of said associa-

tion, as they may deem proper, not inconsistent with the laws of this State, and shall have power to appoint and employ officers, clerks, agents and servants, for conducting and carrying on the business of said corporation, and fix the salaries or compensation to be paid to them. It shall be the duty of the said president and directors to make, verified by the oath of some one of them, an annual report to the Secretary of State, on the first day of January in each year, showing:

Annual report.

First. The capital stock, and the amount actually paid in;

Second. The amount expended, and for what purpose;

Third. The amounts received from tolls and from all other sources, distinguishing from what sources;

Fourth. The number and amount of dividends, and how paid;

Fifth. The number of men employed, and their occupation.

Sec. 8. It shall be lawful for such company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of any such canal, harbor, or the improvement of any such river or stream, doing thereto no unnecessary damage, and paying any damage which may accrue; but said company shall not locate any such canal through any orchard over one year old, or garden, without the consent of the owner, or through any building or fixtures, or any yard or inclosure necessary for the use or enjoyment thereof, without the like consent; and when the said route or improvement shall be established by the said company, it shall be lawful for them, their officers and servants, to enter upon, take possession of and use such lands, to the width of two hundred feet, as said company shall have purchased or obtained from the owners or occupants the right to use, and also to take and use any other lands which may be necessary for the construction of said canal, or the improvement of the navigation of such river, or the erection of any locks, gates, toll-houses or other fixtures, or the construction of any dam that may be necessary to raise the water for the purposes of washing out any channel or harbor: *Provided*, If such dam

Location of route.

Not to be located through orchard, etc., without consent.

When route is located, company may enter upon lands.

Provide.

shall obstruct any channel navigable for vessels, it shall be made during the winter months and removed before the opening of navigation, the necessity for such taking, and the damages to be paid therefor being first ascertained, and such damages paid as hereinafter provided.

Corporation
not to pur-
chase lands.

Sec. 9. Said corporations shall not, in their corporate capacity, hold, purchase, or deal in any lands, other than the lands on which their canal shall run, or which may be actually necessary for the construction or maintenance of said canal or improvement, or the fixtures connected therewith.

Proceed-
ings to
ascertain
damages for
entering up-
on lands.

Sec. 10. Whenever said company shall desire to enter upon, use or occupy any lands, or condemn any franchise or right to the use of running water, when no agreement can be made with the owners thereof, the like proceedings shall be had and taken as is provided in "an act to provide for the incorporation of railroad companies," and the acts amendatory thereto; and after the payment or tender of such damages as shall be then ascertained, may enter upon and take the lands so appraised, for the purposes of constructing said canal, harbors, or making the improvement in such river, its fixtures and appurtenances.

After pay-
ment of
damages
may use
lands.

Tolls, com-
missioners
to establish.

Sec. 11. Any such company shall be authorized to charge, demand and receive such rates of toll for the use of said canal or harbor, or for the use of any river or stream of this State, improved by said company, or for any dock, wharf, or other improvement, as may be established by three commissioners, who shall be appointed by the board of supervisors of the county where the tolls are collected, or in which the greater part of any such improvements shall be constructed. Said commissioners, after making a personal examination of such canal or improvement, shall fix and establish the rate of tolls or charges for each boat, vessel, raft or craft of any description, using said canal or passing through said improved river, or any of the works of said company, and upon the goods, merchandise, or other cargo on said boat or vessel, which said tolls or charges shall be a lien upon the boat or vessel using any of the improvements of said company, or

having such goods and merchandise on board, and may be collected under the provisions of chapter one hundred and forty-nine of the compiled laws of the State of Michigan; and it shall be the duty of the master or clerk of any such boat or vessel, on demand of the collector, or other person authorized by said company, to receive or collect such tolls or charges, to give to such collector or other person so authorized a true and correct statement of all goods, merchandise, or other cargo on said boat or vessel, and subject to pay any toll or charges, which statement shall be verified by the oath of the master or clerk of such boat or vessel. Said board of commissioners shall deliver a certified copy of such rates of tolls or charges to said company, a printed copy of which shall always be posted up at each place where toll is demanded, and the board shall file another copy with the Secretary of State, which shall be duly recorded in his office; a certified copy of such record may be read in evidence in any court of this State, and shall be sufficient proof of the rates of tolls and charges due on any boat or vessel, or on any goods, merchandise, or other cargo: *Provided, however,* That no charge whatever shall be made for the use of any river, where such improvement has been made, for any boat, vessel, raft or craft, of any description which might or could have used said river before said improvement had been made: *Provided further,* That the said board shall, in determining the rates of toll or charges, declare what boats, or vessels, or rafts, are entitled to use said improved river free of charge.

Statement
of cargo to
be fur-
nished.

Rates of toll
to be filed
and recor-
ded.

When toll
not to be
charged.

Sec. 12. If any person shall willfully obstruct, or in anywise injure any such canal, harbor or improvement, or any dock, wharf, or other fixture connected therewith, or shall violate any rule or regulation established by said company, such person, or such boat or vessel, or other craft, as the said company may elect, shall be liable for all damages done or committed; and said damages, if against the person, may be recovered in an action of trespass, and if proved to have been done willfully, treble damages may be recovered. Any such claim for dam-

Penalty for
injuring im-
prove-
ments.

ages, if the company shall so elect, shall be a lien on any such boat or vessel, or other craft, and such lien may be enforced under the provisions of chapter forty-nine of the compiled laws of the State of Michigan.

Canal across highway to be bridged. Sec. 13. Whenever any canal shall cross any highway, the company shall make and keep in good repair such bridges as the board of supervisors of the county in which such canal is located shall direct.

Stockholders jointly liable for labor performed. Suit, when brought. Sec. 14. The stockholders of said companies, incorporated under this act, shall be jointly and severally liable for all labor performed for such company; but no suit shall be brought against any individual stockholder for any debt of said company until judgment on the demand shall have been obtained against the company, and execution thereon returned unsatisfied, in whole or in part; and any stockholder who has paid any debt of such company, either voluntarily or otherwise, shall have the right to sue and recover of such company the full amount thereof, with interest, cost and expenses; and in case of failure to recover the amount from said company, may sue the said stockholders, or any one of them, for their due proportion thereof, which such stockholder ought to pay; and if such action for contribution shall be brought against more than one, the judgment shall specify the sum due and to be recovered from each of the defendants named.

Penalty for attempt to avoid toll. Sec. 15. Any boat, vessel, raft or craft which shall willfully pass through said canal or said improvement without paying the toll required, shall be liable to pay to said company the sum of one hundred dollars, to be collected by proceeding against said boat, or against the owners thereof, by attachment or otherwise.

Legislature may amend. Sec. 16. The Legislature shall, at all times hereafter, have the free right to alter, amend or repeal this act.

Tax. Sec. 17. Every corporation formed under the provisions of this act shall pay, on the capital stock of said company, all taxes assessed thereon for State, county, township or other purposes, upon the property of said company, whether real,

onal or mixed, except penalties imposed by this act, the tax to be estimated upon the last annual reports of said corporation: *Provided*, That no vessel, boat or craft shall be *Provided*.
 charged toll for entering any harbor constructed under this act, shall such harbor be taxed.

Sec. 18. Any persons, or private associations, or corporations, *Corporations already formed may organize under this act.*
 have, previous to the passage of this amended act, constructed any canal or harbor, or have improved the navigation any river or stream in this State, within the meaning of section one of this act, where the amount of money actually expended by them in the construction of any such canal or improvement exceeds the sum of ten thousand dollars, may organize under this act, and like notice shall be given as required section one of this act: *Provided*, That such persons, associations or corporations shall have the preference in the subscription to the stock of such company, to the amount so expended by them. *Provided.*

Sec. 19. In case the master or clerk of any boat or vessel *Penalty for refusing to furnish statement of cargo.*
 shall neglect or refuse to furnish the statement as required by section eleven of this amended act, he shall be liable to a fine not exceeding one hundred dollars, to be sued for and recovered by said company.

Sec. 20. Any company organized under this act may borrow money, and issue bonds for the payment of the same, for the purpose of providing means for repairing, altering or enlarging said improvements: *Companies may issue bonds.*
Provided. That the amount so raised shall not at any one time exceed in amount fifty per cent. of the amount of the capital stock of said company.

Sec. 21. Any county through which any such improved river or stream shall pass, or in which the greater part of any such improvements have been constructed, or in which any canal shall have been constructed, within the provisions of this act, shall have the right to purchase any such canal or improvement by paying to any such company the amount of their capital stock, and the amount of all subsequent expenditure in repairing, altering or enlarging any such canal or improve-
Counties may purchase improvements.

Board of supervisors to assume management.

ments, and interest at the rate of ten per cent. per annum on said amounts, deducting from the amount of interest the proceeds of any such company; and the board of supervisors of any such county to take the management of any such canal or improvement so purchased, to receive and collect tolls the same as provided for in this act, to appoint proper officers for the management of the same, with proper salaries for their services, and shall be entitled to the privileges and remedies provided in this act.

Purchase of canal to be submitted to the electors.

Sec. 22. The board of supervisors of any such county may at any time, by a majority vote, submit the question of purchasing any such canal, harbor or improvement, to the electors of said county; and if a majority of the electors shall decide to purchase any such canal, harbor or improvement, then the board of supervisors shall be authorized to purchase the same and may for that purpose issue the bonds of said county for an amount sufficient to make such purchase.

Sec. 23. This act shall take immediate effect.

Approved March 20, 1868.

[No. 171.]

AN ACT to amend section four thousand and thirty-two of the compiled laws, and to authorize the admission of graduates of the Michigan Law School as attorneys and counsellors at law, and solicitors and counsellors in chancery, without examination in open court.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section four thousand and thirty-two of the compiled laws, being section one of an act approved March thirty-first eighteen hundred forty-nine, be and the same is hereby amended so as to read as follows:

Attorneys, how admitted.

SECTION 1. *The People of the State of Michigan enact*, That a circuit court may grant to any citizen of this State, of good moral character, and of the age of twenty-one years, a license to practice as an attorney and counsellor at law, and solicitor

counsellor in chancery, upon an examination at any term such court, in the presence of the circuit judge, in open court, be satisfied that the applicant possesses sufficient legal learning and ability to discharge the duties of such office: *Provided*, That such examination shall in no case be required. *Provided*, That if the said circuit court shall be satisfied, by the production of diploma, or otherwise, that said applicant is a graduate of law school of the Michigan State University.

Approved March 20, 1863.

[No. 172.]

ACT to amend section eleven of an act entitled "an act to provide for the incorporation of railroad companies."

SECTION 1. *The People of the State of Michigan enact*, That section eleven of the act entitled "an act to provide for the incorporation of railroad companies," be and the same is hereby amended as to read as follows: *Section amended.*

Sec. 11. The stock of such company shall be deemed personal property, and shall be transferable in the manner, and under such restrictions and conditions as may be provided for by the by-laws; but no shares shall be transferable without the assent of the company, until all previous calls thereon shall have been paid in, or said shares shall have been forfeited.

Approved March 20, 1863.

[No. 173.]

ACT to amend an act entitled "an act to amend an act entitled an act to provide for the relief, by counties, of the families of volunteers mustered from this State into the military service of the United States, or of this State," approved May fourth, eighteen hundred sixty-one, and to add certain sections thereto, approved January seventeenth, eighteen hundred sixty-two.

SECTION 1. *The People of the State of Michigan enact*, That sections one, three and five of this act be amended to read as follows: *Sections amended.*

Board of supervisors to provide relief.

Sec. 1. It shall be the duty of the board of supervisors of each organized county, at their sessions to be held in the month of June, in the year eighteen hundred and sixty-one, and at each subsequent session, whenever necessary, to make adequate provision for all requisite relief and support of the families of the non-commissioned officers, musicians and privates enlisted or drafted from their counties, or as substitutes for persons so drafted and mustered into the military or naval service of the United States, or of this State, and for such purposes the said boards of supervisors are severally authorized to borrow money, at a rate of interest not exceeding ten per centum per annum, and to issue bonds, or other securities, for the sums borrowed, payable at some time therein to be mentioned, not exceeding three years from the date thereof, and to assess, levy and collect taxes upon all the real and personal property of said counties, not exempt from taxation, sufficient to pay such moneys borrowed, and to provide the relief hereby authorized: *Provided*, That the family of no person so drafted and furnishing a substitute shall receive any relief under the provisions of this act.

Authorized to borrow money.

Proviso.

Duty of supervisors to furnish relief.

Sec. 3. It shall be the duty of the supervisor of each township, and each supervisor, alderman, or other officer representing any city or ward upon the board of supervisors of his county, from time to time, to afford such temporary relief as may be necessary for the support of such family, not exceeding fifteen dollars per month to any one family, and not exceeding, in any case, to any family or person, the actual sum necessary, in connection with his, her or their other means of support, to relieve such family or person, which support shall be afforded only in the manner prescribed by this act, and in no greater sum than shall be necessary to afford the necessary relief. In case of the decease of any non-commissioned officer, musician or private, while in the service of the United States, or of this State, his family shall be entitled for two years, and no longer, after his decease, to the same measure of relief as his family would be entitled to receive if he had not deceased.

Relief in case of decease.

Sec. 5. All reports shall be signed by the supervisor, or other officer or person making the same, and shall contain, as far as he has been able to ascertain, the material facts and circumstances tending to show the measure of relief required by such family or persons. All such reports shall be endorsed by the county treasurer, with the date of receiving the same, and be filed and preserved in his office; and such county treasurer shall procure, at the expense of his county, a book, in which he shall register the names of every person so reported to him, and the amount of relief stated by such report as required for each family, and noting, from time to time, any changes shown by further report in reference to that particular family; and the county treasurer shall pay no order drawn or given under this act, unless the family or person in whose behalf the same is given shall have been first reported to him, as aforesaid.

Reports,
how made.

Duty of Co.
Treasurer.

Sec. 2. This act shall take immediate effect.

Approved March 20, 1863.

[No. 174.]

AN ACT to amend an act entitled "an act to amend section one, of chapter seventy-four, of the compiled laws of Michigan," approved February fifteenth, eighteen hundred fifty-nine, relative to certain duties of the Superintendent of Public Instruction.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "an act to amend section one, of chapter seven-ty-four, of the compiled laws of the State of Michigan," be and the same is hereby so amended as to read as follows:

Section
amended.

Sec. 1. The Superintendent of Public Instruction shall have general supervision of public instruction, and of the State Reform School, and it shall be his duty, among other things, to prepare annually, and transmit to the Governor, to be by him transmitted to the Legislature at each biennial session thereof, a report, containing—

Report of
Superinten-
dent of Pub-
lic Instruc-
tions.

First. A statement of the condition of the University, of all incorporate literary institutions, and of the primary schools;

Contents of.

Second. Estimates and amounts of expenditures of the school moneys;

Third. Plans for the improvement and management of all educational funds, and for the better organization of the educational system, if, in his opinion, the same be required;

Fourth. The condition of the Normal School;

Fifth. The annual report and accompanying documents, as far as he shall deem the same of sufficient public interest, of the board of control of the State Reform School;

Sixth. All such other matter relating to his office, and the subject of education generally, as he shall deem expedient to communicate.

Approved March 20, 1868.

[No. 175.]

AN ACT to lay out, establish and improve a road from Pentwater, in Oceana county, to the Newaygo and Dayton State road, in Newaygo county.

Commissioner appointed.

SECTION 1. *The People of the State of Michigan enact*, That Oliver Swain be and hereby is appointed a commissioner to lay out, establish and improve a road from the village of Pentwater, in Oceana county, to the Newaygo and Dayton State road, in Newaygo county, to be known as the Pentwater and Newaygo State road.

Appropriation.

Sec. 2. For opening and improving said road there is hereby appropriated eight thousand acres of State swamp land, to be selected from any unappropriated swamp land in the Lower Peninsula of this State.

Oath of commissioner.

Sec. 3. It shall be the duty of said commissioner, immediately after being notified of his appointment as such commissioner, to take and subscribe the constitutional oath of office for the faithful discharge of the duties of said office, and cause the same to be filed in the office of the Secretary of State, together with an official bond in the sum of three thousand dollars, with good and sufficient sureties, (to be approved by the

Bond of.

Governor,) conditioned for the faithful performance of his duties as such commissioner.

Sec. 4. It shall be the duty of said commissioner to lay out and establish said road before the first day of August next, and for that purpose may employ a competent surveyor, with necessary chainmen and axmen, and may adopt, with or without survey, so much of any of the highways already laid out and established as in the opinion of said commissioner may be suitable and proper. When such survey is completed, it shall be the duty of said commissioner to furnish to the township clerks of each of the townships through which said road shall run, the minutes of the survey of so much of said road as shall be in their respective townships, whose duty it shall be to record the same.

Commissioner to establish road

Minutes of survey to be recorded.

Sec. 5. In all cases where damages may be claimed by reason of the laying out of such road, the same proceedings shall be had thereon as may be required by the laws in force for assessments of damages in cases of roads laid out by township commissioners.

Proceedings when damages are claimed.

Sec. 6. The commissioner shall give at least three weeks notice of the times and places of letting the contracts for opening and improving said road, by posting notices in three public places in the township where the work is to be done, specifying the nature and amount of work to be done. The commissioner shall attend at the times and places specified in such notices, and shall then and there proceed to let the contracts for the work on said road. The person offering to do the most work for a given amount of land, in legal subdivisions, and giving good security for the performance thereof, shall be entitled to the contract. Whenever the work on any contract shall be fully completed, according to the conditions thereof, the commissioner shall give to the person entitled thereto a certificate to that effect, and stating the amount of lands due thereon, which, on presentation to the Commissioner of the State Land Office, shall entitle the contractor, or his assigns, to

Notice of letting contracts.

Contracts, how let.

When contractor to receive lands.

that amount of any unappropriated swamp lands of this State which may be subject to private entry: *Provided*, That the Commissioner of the State Land Office shall not convey the title to any such lands until he shall have satisfactory proof that they are thoroughly drained, so far as they need and admit of draining.

Term and compensation of commissioner.

Sec. 7. The said commissioner shall hold his office until the first day of January, eighteen hundred sixty-six, and be entitled to two dollars a day for the time actually and necessarily spent by him in the discharge of his duties as such commissioner. He shall keep an accurate account of all expenses of the survey, and also of his own time in each of the organized townships through which the road may run; and such accounts, (verified by the oath of said commissioner,) being presented to the supervisor or township clerk, shall entitle the holder to an order from the township board on the township treasurer of such town.

Accounts of commissioner.

Annual report of commissioner.

Sec. 8. The said commissioner shall, in the month of December, in each of the years eighteen hundred sixty-three, eighteen hundred sixty-four and eighteen hundred sixty-five, render an accurate account, in writing, of his doings as such commissioner, to the Commissioner of the State Land Office, and to the several supervisors of the townships through which the road may run, a similar account of his doings in their respective townships.

Approved March 20, 1863.

[No. 176.]

AN ACT to provide for the drainage and reclamation of swamp land by means of a State road and ditches, from Midland City to Grand Traverse Bay.

SECTION 1. *The People of the State of Michigan enact*, That there shall be laid out and established, by a commissioner to be appointed by the Governor, upon the most direct and eligible route between Midland City, in Midland county, via Houghton

Road established.

Lake, in Roscommon county, to Grand Traverse Bay, to be known as the Midland, Houghton Lake and Grand Traverse Bay State road.

Sec. 2. Said road to be laid out and constructed under the provisions of act number one hundred and seventeen of the session laws of eighteen hundred and fifty-nine, approved February twelfth, eighteen hundred fifty-nine, and the acts amendatory thereto.

Sec. 3. To secure the construction of said road, there is hereby appropriated an average amount of six hundred and forty acres of State swamp land to the mile, to be expended under the provisions of said act, and the acts amendatory thereto.

Approved March 20, 1863.

[No. 177.]

AN ACT to remit the specific tax upon mining, manufacturing, smelting, and other companies of the Upper Peninsula, to the counties in which they arise, for a period of five years, and to provide for the application of the same.

SECTION 1. *The People of the State of Michigan enact*, That all specific taxes provided by law to be paid to the State by mining, manufacturing, smelting and other companies liable to pay such taxes, of the Upper Peninsula, be and the same are hereby remitted to the counties in which said companies are located, for a period of five years from and after the passage of this act, and that said taxes shall hereafter be paid into the treasuries of said counties for said period of five years; and that said companies shall be entitled to receive from the treasurer of the county to which said tax may be due, when the same shall be paid, a receipt for the amount so paid, which receipt, when filed in the office of the State Treasurer, shall be in lieu of said tax, and cut off all claim of the State against said companies for the same: *Provided*, That nothing herein

contained shall apply to companies that may be formed after the passage of this act. •

County road
and bridge
fund.

Sec. 2. Said tax, when paid into the county treasury, shall be denominated the "county road and bridge fund," to be expended in the construction and repair of roads and bridges within the counties having such funds. Said fund shall be under the control of the board of supervisors of the respective counties, and subject to be drawn from the treasury upon the order of the board of supervisors, signed by its clerk and countersigned by its chairman: *Provided*, That such fund shall not be used or applied to any other purpose than such as is contemplated by the provisions of this act.

How con-
trolled and
drawn.

Proviso.

Duties and
powers of
board of
supervisors

Sec. 3. The boards of supervisors of said counties shall provide, at their annual meeting in the month of October, of each year, during said period, for the expenditure of said fund, or so much thereof as may be necessary to lay out, open, construct, and keep in repair, such roads and bridges in their respective counties, as shall to them appear necessary for the public good, and said boards are hereby clothed with full authority, in the expenditure of said fund, to lay out, open, construct and keep in repair such roads and bridges in their respective counties as to them shall seem necessary.

Payment of
tax, how
enforced.

Sec. 4. Said taxes shall be paid to the treasurer of the proper county, in the month of July in each and every year during said period of five years; and if any company liable to pay said tax shall neglect or refuse to pay the same, as hereinbefore provided, within thirty days after the same shall become due, the county treasurer where said tax may be due shall proceed to enforce collection of said tax in the same manner, and with like powers, as far as they may be applicable, as the treasurers of townships are now authorized to exercise to enforce payment of taxes in townships.

Acts sus-
pended.

Sec. 5. All acts and part of acts, in any way contravening the provisions of this act, are hereby suspended during the life of this act.

Approved March 20, 1863.

[No. 178.]

AN ACT giving construction to section 8, of act 138, of the laws of 1859, in relation to the trial of offences by information.

SECTION 1. *The People of the State of Michigan enact*, That the provisions of section eight, of act one hundred and thirty-eight, of the session laws of eighteen hundred and fifty-nine, shall not be construed in any manner to affect or conflict with any of the provisions of act number one hundred of the laws of eighteen hundred and fifty-seven, for the better protection of the public lands. Construction of act.

Sec. 2. This act shall take immediate effect.

Approved March 20, 1863.

[No. 179.]

AN ACT to amend section 22, of chapter 183, of the revised statutes of 1846, it being section 5841 of the compiled laws, relative to extortion by public officers.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-two, of chapter one hundred and eighty-three, of the revised statutes of the year eighteen hundred and forty-six, it being section five thousand eight hundred and forty-one of the compiled laws, be and the same is hereby amended so as to read as follows: Section amended.

(5841.) **Sec. 22.** If any person shall willfully and corruptly demand and receive from another for performing any service, or any official duty, for which the fee or compensation is established by law, any greater fee or compensation than is allowed or provided for the same, and if any public officer, for whom a salary is provided by law in full compensation for all services required to be performed by him, or by his clerks or deputies, shall willfully and corruptly demand and receive from any person any sum of money as a fee or compensation for any services required by law to be performed by him in his said office, or by his clerks or deputies, he shall be deemed to have committed the offence of extortion, and shall be punished by a Official extortion.

fine not exceeding one hundred dollars; but no prosecution for such offence shall be sustained unless it shall be commenced within one year next after the offence was committed.

Sec. 2. This act shall take immediate effect.

Approved March 20, 1868.

[No. 180.]

AN ACT to provide for laying out, establishing and improving a road from Muskegon lake to the north line of Mason county, and to appropriate swamp lands therefor.

Commissioner appointed. SECTION 1. *The People of the State of Michigan enact*, That Ephraim W. Terrill be and is hereby appointed a commissioner to lay out, establish and superintend the construction and improvement of a road known as the lake shore road, from the north bank of Muskegon lake, through the counties of Muskegon, Oceana and Mason, to the north line of Mason county.

Oath of. Immediately after being notified of his appointment, it shall be the duty of the commissioner to take and subscribe the

Bond. oath of office prescribed by the constitution and laws of this State, which oath of office, together with an official bond in the sum of one thousand dollars, with good and sufficient sureties, to be approved by the county treasurer of Oceana county, and conditioned for the faithful performance of his duties as

such commissioner, shall be filed in the office of the Secretary of State, whereupon the said commissioner may enter upon his duties as prescribed by this act.

Appropriation.

Sec. 2. For the purpose of opening and improving said road, there shall be and is hereby appropriated five thousand two hundred and eighty acres of State swamp land, which shall be laid out and expended as follows, namely: four hundred and eighty acres in township ten north, four hundred and eighty acres in township eleven north, and a like amount in each of the surveyed townships through which said road shall run: *Provided*, That any two townships having the same number shall be construed to be one township.

Sec. 3. It shall be the duty of said commissioner, before the first day of August, eighteen hundred sixty-three, to lay out and establish said road as provided for in section one, and cause the same to be surveyed, and a description of so much thereof as shall be contained in any organized township to be filed with the township clerk of said township, whose duty it shall be to record the same, and such record shall be *prima facie* evidence of the existence of such road.

Commissioner to establish road.

Survey to be filed.

Sec. 4. In all cases where damages may be claimed by reason of the laying out of such road, the same proceedings shall be had thereon as may be required thereon by the laws in force at the time such claim is made for assessment of damages in cases of roads laid out by township officers.

Proceedings when damages are claimed.

Sec. 5. The commissioner shall give at least four weeks notice of the times and places of letting the contracts for opening and improving said road, by posting notices in three public places in each of the townships in which said work is to be done.

Contracts, letting thereof.

Sec. 6. The commissioner shall, at the times specified in the notices, be at the places so named, and describe the manner in which the work shall be done, and shall proceed to let the contracts by offering forty acres at a time, and the responsible bidder who offers to make the most road in the manner indicated, and at the place specified, shall be entitled to the contract.

Sec. 7. The commissioner shall continue to let, as provided in section six, in contracts for forty acres each, until the whole of the work is let which was advertised: *Provided*, That the commissioner shall not be obliged to let any contract unless the offer made be sufficient, in his judgment, to warrant the letting of the same.

Sec. 8. The commissioner shall hold his office until the first day of January, eighteen hundred sixty-six, and shall be entitled to two dollars per day for the time actually and necessarily spent by him in the discharge of his duties as such commissioner.

Term, and compensation of commissioner.

**Certificate
of comple-
tion.**

Sec. 9. Upon the full completion of any job, according to the conditions of the contract, the commissioner shall give a certificate to that effect, which, on presentation to the Commissioner of the State Land Office, shall entitle the holder to a license to enter upon and occupy any forty acres of State swamp land, on condition that such person shall not take, carry away, or dispose of any timber from said land; and if, within five years from the date of such license, satisfactory proof shall be rendered to the Commissioner of the State Land Office that said land has been thoroughly drained, so far as it needs and admits of draining, and that all legal taxes have been paid thereon, then it shall be the duty of the Commissioner of the State Land Office to issue a patent or deed of the same to the person or persons to whom such license was granted, or to his, her, or their assignees or legal representatives, otherwise said land shall revert to the State at the end of said five years.

**When
patents
shall issue.**

**Accounts of
commis-
sioner.**

Sec. 10. The commissioner shall keep an accurate account of all expenses of the survey, and also of his own time in each of the organized townships through which said road may run; and such accounts, verified by the oath of the commissioner, being presented to the supervisor or township clerk, shall entitle the holder to an order from the township board on the treasurer of said township.

How paid.

**Report of
commis-
sioner.**

Sec. 11. The commissioner shall, in the month of December, in each of the years eighteen hundred sixty-three, eighteen hundred sixty-four, and eighteen hundred sixty-five, render an accurate account, in writing, of his doings as such commissioner, to the Commissioner of the State Land Office, and to the several supervisors of the townships through which the road shall run, a similar account of his doings in their respective townships.

Approved March 20, 1863.

[No. 181.]

AN ACT to amend section thirty-three of an act entitled "an act to amend an act entitled an act to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved February 14th, 1853, and an act amendatory thereto," approved February 12th, 1855, it being section 815 of the compiled laws, relating to per centage for collecting expenses.

Sec. 1. *The People of the State of Michigan enact*, That section thirty-three of an act entitled "an act to amend an act entitled an act to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved February fourteenth, eighteen hundred fifty-three, and an act amendatory thereto," approved February twelfth, eighteen hundred fifty-five, be and the same is hereby amended so as to read as follows:

Sec. 33. The supervisor of each township shall proceed to assess taxes for the amount specified in such certificate, together with a tax for the amount of money to be raised by his township, adding thereto, and to all other taxes required by law to be assessed by him, not more than four nor less than two per cent., as shall be determined by the electors at their annual meeting, at the same time and in the same manner that overseers of highways are elected, for collecting expenses upon the taxable property in the township, according and in proportion to the individual and particular estimate and valuation specified in the assessment roll of the township for the year: *Provided*, That if the electors shall neglect or refuse so to determine the rate of per centage for collecting expenses, then the township board shall determine and fix the rate. For the purpose of avoiding fractions in excess in said tax, the supervisor may add to the several amounts to be raised not more than one per cent.; said excess, more or less, shall be paid into and belong to the contingent fund of the township in which it was assessed.

Sec. 2. This act shall take immediate effect.

Approved March 20, 1863.

[No. 182.]

AN ACT supplementary to an act entitled "act to incorporate the Michigan Central College, at Spring Arbor, and other acts amendatory thereto.

SECTION 1. *The People of the State of Michigan enact, That*
 Words stricken out the words "at Spring Arbor," wherever they occur in said act or acts, be and the same are hereby stricken out.

Trustees] **Sec. 2.** That Lorenzo D. Magregor, Cornelius Fisher, Mathew Dearin, Phillip C. Haight, John C. North, John Cannon, Elijah Stoddard, Caleb Mosher, Robert Hamilton, George P. Thurston, Cornelius Dearing, Elisha Mudge, Lent I. Wicker, Hilson Mosher and Walter W. Murray are hereby appointed trustees of the Michigan Central College, at Spring Arbor. The term of office of five of said trustees first above named, shall continue one year; the five following in the order above named, two years; and the remaining five, three years from the first Wednesday in January, one thousand eight hundred and sixty-three.

Trustees authorized to remove college. **Sec. 3.** The trustees of said college are hereby authorized to change the name, remove and re-locate said college, at any time within three years from and after the passage of this act.

Certificate of change to be filed. When such re-location and change of name shall have been made, said trustees shall make and file with the Secretary of State a certificate of their proceedings under this section, and thereupon all the rights, privileges and immunities conferred upon the Michigan Central College, at Spring Arbor, shall attach to the said college so re-located, as herein provided.

Sec. 4. All acts or parts of acts, contravening the provisions of this act, are hereby repealed.

Sec. 5. This act shall take immediate effect.

Approved March 20, 1863.

[No. 183.]

AN ACT to make an appropriation to aid the Michigan State Agricultural Society.

SECTION 1. *The People of the State of Michigan enact, That* there be and is hereby appropriated out of the treasury of the State, the sum of nine hundred and fifty dollars each year, for the years eighteen hundred sixty-three and eighteen hundred and sixty-four, to the Michigan State Agricultural Society, for the payment of premiums, to be paid by the State Treasurer to the treasurer of said society, on the warrant of the Auditor General: *Provided, That the treasurer of said society shall, on or before the 15th day of October in each year, make, subscribe and deposit with the Auditor General his affidavit that said society has raised for the year the sum of one thousand dollars by voluntary subscription and fees of membership.*

Approved March 20, 1863.

[No. 184.]

AN ACT to amend an act entitled "an act to establish a police court in the city of Detroit," approved April 2, 1850, and to add a new section thereto.

SECTION 1. *The People of the State of Michigan enact, That* section seven of an act entitled "an act to establish a police court in the city of Detroit," be amended so as to read as follows:

Sec. 7. The said police justice shall have authority in all cases, at his discretion, either before or after the issuing of process, to require of the complainant security for costs to the satisfaction of said justice, and the person becoming such security shall sign a memorandum, in writing, to that effect, which said justice shall keep as a part of the record of the case; and in all cases, non-resident complainants shall give security before process shall issue. If the defendant or prisoner be discharged on examination, by said police justice, or acquitted on trial, the said police justice shall enter a judg-

ment for costs against the surety and the complainant, either or both of them, which shall be of like force and effect, and shall be collected on execution, as any other judgment rendered by a justice of the peace: *Provided*, That said justice shall certify, on the record of the court, that such payment of costs by the prosecutor, or his surety, in his opinion, is just and equitable.

New section Sec. 2. A new section is hereby added to the act aforesaid, to stand as section eight, as follows:

Clerk of court. Sec. 8. There shall be a clerk of said court, who shall be appointed by the common council of the city of Detroit, who shall receive such salary as such common council may prescribe, which shall be allowed and paid in the same manner as provided for the payment of the police justice; he shall give a **Bond.** bond to the people of the State, in the penal sum of two thousand dollars, to be approved by said common council, for **Duties of.** the faithful discharge of the duties of his office. It shall be his duty to keep a true record of the proceedings of said court, in proper books to be provided therefor, and file and safely keep all books and papers belonging or pertaining to said court; he shall have power generally to administer oaths and take affidavits; it shall also be the duty of said clerk to receive all costs, fines and dues, of every description, from either party to complaints or prosecutions before said police court, and which by law are taxable as justices costs, and shall pay the same weekly to the county treasurer of the county of Wayne, and shall take his receipt for the same; and all fines or other moneys, coming into his hands, shall be paid out and disposed of as is now provided by law with reference to justices of the peace.

Section amended. Sec. 3. Section eight of said act shall stand as section nine, and is hereby amended so as to read as follows:

Appeals. Sec. 9. In all cases in said police court, where the sentence of imprisonment shall amount to thirty days or more, or where the fine imposed shall amount to twenty-five dollars or over, the recorder of said city, or the circuit judge presiding in Wayne county, may allow an appeal to the recorder's court,

upon satisfactory affidavit, presented to him within five days after the trial, showing the nature of the case, the circumstances of the trial, and the substance of the evidence taken thereon, if, in the opinion of such recorder or judge, justice shall require an appeal, and on filing such affidavit and allowance with the police justice, such appeal may be taken in the same manner, and with the same effect and restrictions, as prescribed for appeals to the circuit courts in cases of sentences by justices of the peace in criminal cases.

Sec. 4. Section nine of said act shall stand as section ten.

Sec. 5. This act shall take immediate effect.

Approved March 20, 1863.

[No. 185.]

AN ACT to prevent the importation, running at large and sale of diseased sheep.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for the owner of sheep, or any person having the same in charge, knowingly to import or drive into this State sheep having any contagious disease; and any person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine in any sum not less than fifty dollars, and in default of the payment thereof, by imprisonment in the county jail not more than three months.

Sec. 2. That any person being the owner of sheep, or having the same in charge, who shall turn out, or suffer any sheep having any contagious disease, knowing the same to be so diseased, to run at large upon any common, highway, or uninclosed lands, or who shall sell or dispose of any sheep, knowing the same to be so diseased, without first apprising the purchaser thereof of such disease, shall be deemed guilty of a misdemeanor, and shall be punished by fine in any sum not less than fifty dollars nor more than one hundred dollars, and in default of the payment thereof, by imprisonment in the county jail not more than three months.

Penalty for
importing,
etc., diseased
sheep.

Penalty for
allowing
diseased
sheep to
run at large.

Damages in
civil action.

Sec. 8. Nothing in this act shall be so construed as to prevent the recovery of damages, in civil actions, against any person or persons who shall import or drive such diseased sheep into this State, or who shall allow such diseased sheep to run at large, or who shall sell such diseased sheep.

Approved March 20, 1863.

[No. 186.]

AN ACT to amend an act entitled "an act to amend sections 11 and 127, of chapter 117, of the compiled laws, relative to security for costs in justices' courts."

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections eleven and one hundred and twenty-seven, of chapter one hundred and seventeen, of the compiled laws, be amended so as to read as follows:

Justice may
require se-
curity for
costs.

Sec. 11. Any justice of the peace may, either before or after the issuing of any process, in his discretion, require security of the plaintiff for any costs which may be adjudged against him in any action, and the person becoming such security shall sign an undertaking, in writing, to that effect, upon the docket of said justice, and in all cases plaintiffs who are not residents of the county in which the suit is brought shall give such security before process shall issue; and if any plaintiff, after commencing an action in the county in which he resides, shall remove from said county, the justice shall require such plaintiff to give security for all costs which have accrued and may accrue in the action, and if a judgment be rendered against the plaintiff in any case for costs, an execution may issue against said plaintiff and the person becoming security for said costs; and in case the defendant recover against said plaintiff any sum besides cost, a separate execution may issue for the collection of the same.

Costs on
 rendition of
 judgment.

Sec. 127. Whenever a judgment shall be rendered by a justice against any party, unless herein otherwise provided, it shall be with costs of the suit; but the whole amount of all

the items of such costs shall not exceed six dollars in all suits upon contract, and in all other cases the whole amount of such costs shall not exceed ten dollars.

Approved March 20, 1863.

[No. 187.]

AN ACT to provide for the payment of unliquidated swamp-land road contracts.

SECTION 1. *The People of the State of Michigan enact, That* for the payment of contracts made for the construction of ^{Appropriation.} State roads, under an act approved the twelfth day of February, eighteen hundred and fifty-nine, which were made before the first day of July, eighteen hundred and sixty, and payable in money, all the money that has been, or that shall be received for the sale of swamp lands, and all the interest that has or shall accrue on such receipts, shall be and the same is hereby appropriated for the payment of the aforesaid contracts, so far as needed for the payment thereof: *Provided, That* no money paid into the treasury before the first day of June, eighteen hundred and fifty-nine, and no money that has been apportioned to other roads, under the act recited, and no interest heretofore by law appropriated to the school fund, shall be paid in liquidation of said contracts.

Sec. 2. On the presentation, at the Auditor General's office, ^{Warrant to be drawn for amount due.} of any contract mentioned in section one of this act, having attached thereto the certificate of the proper commissioner, that the work therein mentioned, or part thereof, has been completed, and stating the time it was done, or any warrant having been issued in the cancelment of such contract, it shall be the duty of the Auditor General to draw his warrant on the State Treasurer for the amount of said contract, or warrant, or the part thereof certified to be completed, together with interest from the time the work was done, as certified by said commissioner: *Provided, That* no such warrant shall be drawn unless ^{Provide.} each and every contract, so accepted by the commissioner or

commissioners, shall also have endorsed thereon the Governor's approval of the commissioner's acceptance thereof.

Payment of
warrant.

Sec. 3. On the presentation of the Auditor General's warrant at the proper office, it shall be the duty of the State Treasurer to pay the same, and charge the amount to the swamp land fund, swamp land interest fund, or swamp land road fund, as the case may be.

Acts declar-
ed inopera-
tive.

Sec. 4. For the purpose of giving effect to this act, all other acts and parts of acts, contravening the provisions of this act, are hereby declared inoperative as against the provisions of this act: *Provided*, That all the moneys applicable shall be apportioned among the several contractors, in proportion to the amounts due each.

Approved March 20, 1863.

[No. 188.]

AN ACT to amend section three, of act one hundred and twenty-five, of the session laws of eighteen and sixty-one, being section four thousand three hundred and forty-one of the compiled laws.

Section
amended.]

SECTION 1. *The People of the State of Michigan enact*, That section four thousand three hundred and forty-one of the compiled laws, as amended by section three, of act one hundred and twenty-five, of the session laws of eighteen hundred and sixty-one, be amended so as to read as follows:

Parties not
to testify
relative to
certain
matters.

Sec. 4341. That when a suit or proceeding is prosecuted or defended by the representative of a deceased person, the opposite party, if examined as a witness on his own behalf, shall not be admitted to testify at all in relation to matters which, if true, must have been equally within the knowledge of such deceased person; and when any suit or proceeding is prosecuted or defended by any surviving partner or partners, the opposite party, if examined as a witness in his own behalf, shall not be admitted to testify at all in relation to matters which, if true, must have been equally within the knowledge of the deceased

partner, and not within the knowledge of any one of the surviving partners.

Approved March 20, 1863.

[No. 189.]

AN ACT making appropriations to meet the current expenses of the Reform School for the years eighteen hundred and sixty-three and eighteen hundred and sixty-four.

SECTION 1. *The People of the State of Michigan enact*, That the sum of fifteen thousand dollars be and the same is hereby ap- Appropriations.
propriated out of the general fund, to meet the current expenses of the State Reform School for the year eighteen hundred and sixty-three; and that the further sum of fifteen thousand dollars be and the same is hereby appropriated out of the general fund, to meet the current expenses of the State Reform School for the year eighteen hundred and sixty-four; and the same shall be passed to the credit of the State Reform School as a fund to meet the current expenses of said school, and shall be drawn on the warrant of the Auditor General, who is hereby How drawn.
authorized to draw his warrant on the State Treasurer, on the presentation of proper vouchers, for such sums as the board of control shall, from time to time, direct.

Approved March 20, 1863.

[No. 190.]

AN ACT to authorize the city of Jackson, and several townships of Jackson county, to pledge their credit, and the county of Ingham to raise by tax or borrow money, to aid in the construction of a railroad from Jackson to Lansing.

SECTION 1. *The People of the State of Michigan enact*, That it shall and may be lawful for the city of Jackson, and for the several townships of Jackson county, to pledge the credit of such city or township to aid in the construction of a railroad from Jackson to Lansing, for such sum or sums, not exceeding.

Pledge of
credit au-
thorized by
Jackson Co.

Terms and
conditions
of.

five per centum of the assessed valuation, for the time being, of the real and personal property in such city or township as the electors of such city or township shall, at a meeting or meetings called for that purpose, determine. The electors of such city or townships may, also, at such meeting or meetings, determine the terms, conditions, manner of executing securities, and other particulars in regard to such pledge of credit, or may empower some city or township officer, or committee of the electors, to determine the same, and in case of no such determination or delegation of power to an officer or committee, then the common council of such city, and the township boards of such townships, shall severally have power to determine all such particulars.

Meetings of
electors.

Sec. 2. It shall be the duty of the mayor of said city, and of the supervisors of each of said townships, to call such meetings of the electors as are hereby authorized whenever requested in writing by thirty of the electors thereof, and to give public notice thereof by the posting of handbills and the advertisement of the same in at least two of the newspapers published in the city of Jackson.

Ingham Co.
authorized
to raise
money.

Sec. 3. The board of supervisors of the county of Ingham shall be and hereby are authorized and empowered to borrow, or raise by tax upon such county, or in part by loan, and part by tax, as they shall see fit, any sum of money not exceeding in amount forty thousand dollars, for the purpose of aiding in the construction of a railroad, or train railway, as they shall see fit, from the city of Lansing to the city of Jackson in said State: *Provided*, The electors of said county shall determine, in the manner specified in section twenty, of chapter ten, of compiled laws, in favor of such tax or loan.

Proviso.

Sec. 4. This act shall take immediate effect.

Approved March 20, 1863.

[No. 191.]

AN ACT to provide for laying out and establishing a State road, commencing on the west line of section nineteen, (19,) in township five north, of range fifteen west, in the county of Ottawa, to Scholte's bridge, in said township.

SECTION 1. *The People of the State of Michigan enact*, That Henry D. Post, Jan Trimpe and Tunis Keppla, of the township of Holland, in the county of Ottawa, be and the same are hereby appointed commissioners to lay out and establish a State road, commencing on the west line of section nineteen, (19,) in township five (5) north, of range fifteen west, in the county of Ottawa, thence on the most eligible route to Scholte's bridge, so called, in said township.

Sec. 2. It shall be the duty of the said commissioners, or a majority of them, on or before the first day of January, A. D. 1864, to lay out and establish said road, and cause the same to be surveyed, and description thereof to be filed with the township clerk of said township, whose duty it shall be to record the same, and such record shall be *prima facie* evidence of the establishment and existence of said road.

Sec. 3. All the non-resident highway tax, not otherwise appropriated, that may be assessed in the year A. D. 1863, and for three years thereafter, upon lands described and put down in the assessment rolls of the several years respectively as non-resident lands, and which shall be embraced within the limits of each section, any part of which shall be within two (2) miles north and one-half mile south of the centre of said road, shall be appropriated and expended for the improvement of said road by said the commissioners, the same as other highway taxes.

Sec. 4. It shall be the duty of the commissioners of highways in said township through which said road does pass to open and work the same, in the same manner, and by virtue of the same law, as township roads are required to be opened and worked.

Sec. 5. In all cases in which damages may be claimed by

Proceedings on claim of damages. reason of the laying out and establishing of said road, the same proceedings shall be had thereon as may be required by the law in force at the time such claim is made for the assessment of damages in case of roads laid out by commissioners of highways.

Vacancy, how filled. Sec. 6. It is further provided that in case of the death of any of said commissioners appointed by this act, or the refusal of the same to act, it shall be the duty of the county clerk of said county of Ottawa to fill such vacancy on the application of either of the other commissioners.

Compensation of commissioners. Sec. 7. The said commissioners shall be paid each the sum of one dollar per day for their services while actually employed, by the township in which said road is located, and their accounts for the same shall be audited by the township board of said township, and paid out of any moneys collected under this act.

Commissioners to appraise damages. Sec. 8. The commissioners appointed by this act may make application to the judge of the circuit court in which said road is situated for the appointment of three commissioners, whose duty it shall be, when private property is taken for said road, to ascertain the necessity for taking such property, appraise the damage thereon, if any is claimed, which shall be certified to in writing by said commissioners, and the certificate filed in the office of the register of deeds for the county where the property is taken.

State not liable. Sec. 9. The State shall not be liable for any expenses incurred, or damages sustained, by reason of this act; and in case the road mentioned in this act shall not be laid out and established within the time hereinbefore specified, the provisions of this act shall be null and void.

Right of way granted. Sec. 10. The right of way through any lands belonging to the State is hereby granted and confirmed for such road, to the township in which such lands shall be.

Oath of commissioners. Sec. 11. It shall be the duty of the said commissioners, before entering upon the duties of their office, to take and subscribe an oath to faithfully perform the duties herein assigned

them, and file the same in the office of the township clerk of the township in which said road is laid.

Sec. 12. It shall be the duty of the said commissioners, in the payment of any labor or materials furnished in the improvement of said road, to issue their certificates to any person or persons to whom they may be indebted by virtue of their office, certifying the facts in the case, and such person or persons may draw thereon from the township treasury upon the State road fund for the amount due, and it shall be the duty of the said township treasurer to pay the same out of any moneys to the credit of such fund, and charge the same as hereinafter provided. •

Sec. 13. It shall be the duty of the said commissioners, on or before the first day of May next, to make out a list of all the non-resident lands coming under the provisions of this act, and deliver the same to the township treasurer of said township, who shall thereupon open an account with said commissioners, and credit to said commissioners all moneys then in their hands, or which may hereafter be paid into their office, as non-resident highway taxes upon any of the lands described in said list, and charge the commissioners all moneys which may be drawn by them.

[Sec. 14. This act shall take immediate effect.]

Approved March 20, 1863.

[No. 192.]

AN ACT changing the name of the township of Ottawa, in the county of Ottawa, to that of Grand Haven.

SECTION 1. *The People of the State of Michigan enact*, That the name of the township of Ottawa, in the county of Ottawa, be, and is hereby changed to that of Grand Haven.

Sec. 2. All debts, liabilities, rights, privileges and immunities of every nature, incorporated or possessed by said township of Ottawa, shall remain binding and valid in favor of or

against said township of Grand Haven, as they would have been had the same not been changed.

Approved March 20, 1863.

[No. 193.]

AN ACT making appropriations for the salaries of the State officers for the years eighteen hundred and sixty-three and eighteen hundred and sixty-four.

SECTION 1. *The People of the State of Michigan enact, That*

Appropriations, 1863.	there be and the same is hereby appropriated out of any moneys in the treasury to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of the State
Salaries.	officers for the year eighteen hundred and sixty-three: for the
Governor.	salary of the Governor, one thousand dollars; for the salaries of
Justices Supreme Court.	the chief justice and the associate justices of the supreme court, two thousand five hundred dollars each; for the salaries of the
Judges.	judges of the circuit court and the judge of the recorder's court of the city of Detroit, fifteen hundred dollars each; for the salary of the district judge of the Upper Peninsula, one thousand dollars; for the salary of the Auditor General, State Treas-
Auditor.	urer and Superintendent of Public Instruction, one thousand
Treasurer.	dollars each; for the salary of the Commissioner of the State
Superintendent Public Instruction.	Land Office, the Secretary of State and the Attorney General,
Commissioner.	eight hundred dollars each; for the salary of the State Librarian,
Sec. State.	five hundred dollars; for the salaries of the deputy State Treas-
Att'y General.	urer, deputy Auditor General, deputy Secretary of State, deputy
Librarian.	Superintendent of Public Instruction and deputy Commissioner
Deputies.	of the State Land Office, seven hundred dollars each; for the
Private Sec. of Governor	salary of the private secretary of the Governor, five hundred
Clerk Att'y General.	dollars; for the clerk of the Attorney General, four hundred
Book Keeper Land Office.	dollars; for the salary of the book-keeper of the State Land
Clerks.	Office, six hundred dollars; for the salaries of the two regular
	clerks of the Auditor General, six hundred dollars each; for the
	salaries of all other clerks employed by the Auditor General, a
	sum at the rate of six hundred dollars a year each; for the

salary of the reporter of the supreme court, five hundred dollars; Reporter Supreme Court.
for the salaries of such additional clerks in the State Land Office, State Treasurer's Office, and office of the Secretary of State, and office of the Superintendent of Public Instruction, as may be necessary, not exceeding six hundred dollars each a year, for the time employed.

Sec. 2. That there be and the same is hereby appropriated Appropriation, 1904.
out of any moneys in the treasury to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of the State officers for the year eighteen hundred and Salaries.
sixty-four: for the salary of the Governor, one thousand dollars; Governor.
for the salaries of the chief justice and associate justices of the Judges.
supreme court, two thousand five hundred dollars each; for the salaries of the judges of the circuit courts and the judge of the recorder's court of the city of Detroit, fifteen hundred dollars each; for the salary of the district judge of the Upper Peninsula, one thousand dollars; for the salaries of the Auditor General, State officers:
State Treasurer and Superintendent of Public Instruction, one thousand dollars each; for the salaries of the Commissioner of the State Land Office, the Secretary of State and the Attorney General, eight hundred dollars each; for the salary of the State Librarian, five hundred dollars; for the salaries of the deputy Deputies.
Auditor General, deputy State Treasurer, deputy Secretary of State, deputy Superintendent of Public Instruction and deputy Commissioner of the State Land Office, seven hundred dollars each; for the salary of the private secretary of the Governor, five hundred dollars; for the salary of the clerk of the Attorney Clerks, etc.
General, four hundred dollars; for the salary of the book-keeper of the State Land Office, six hundred dollars; for the salaries of the two regular clerks of the Auditor General, six hundred dollars each; for the salaries of all other clerks employed by the Auditor General, a sum at the rate of six hundred dollars a year each; for the salary of the reporter of the supreme court, five hundred dollars; for the salaries of such additional clerks in the State Land Office, State Treasurer's Office, and office of the Secretary of State, and office of the Superintendent of

Public Instruction, as may be necessary, not exceeding six hundred dollars each a year, for the time employed.

Appropriations for salaries of Military officers for 1863.

Sec. 3. That there be and the same is hereby appropriated out of any moneys in the treasury to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of the military officers herein named for the year eighteen hundred and sixty-three: for the salary of the Adjutant General, fifteen hundred dollars; for the salary of the assistant Adjutant General, eleven hundred and fifty-two dollars; for the salary of the Quartermaster General, twelve hundred dollars; for the salary of the assistant Quartermaster General, eleven hundred and fifty-two dollars; for the salary of the Inspector General, five hundred dollars, and such further sum as may be necessary to pay his actual and necessary traveling expenses.

Appropriation for 1864.

Sec. 4. That there be and the same is hereby appropriated out of any moneys in the treasury to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of the military officers herein named for the year eighteen hundred and sixty-four: for the salary of the Adjutant General, fifteen hundred dollars; for the salary of the assistant Adjutant General, eleven hundred and fifty-two dollars; for the salary of the Quartermaster General, twelve hundred dollars; for the salary of the assistant Quartermaster General, eleven hundred and fifty-two dollars; for the salary of the Inspector General, five hundred dollars, and such further sum as may be necessary to pay his actual and necessary traveling expenses.

Approved March 20, 1863.

[No. 194.]

AN ACT to amend an act entitled "an act further to preserve the purity of elections and guard against the abuses of the elective franchise by a registration of electors."

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section five of an act entitled "an act further to preserve the purity of elections and guard against the abuses of the elective

franchise by a registration of electors," approved February fourteenth, A. D. eighteen hundred and fifteen nine, be amended so as to read as follows:

Sec. 5. On the Saturday next preceding the general election, ^{Time for registration in cities.} and on the day (Sunday excepted) next preceding the day of the regular charter election, or any special election, and on such other days as shall be appointed by the common council of the city, not exceeding three days in all previous to any said election, the board of registration of the city, to be constituted as aforesaid, shall be in session at such places in the several wards as they shall designate in their notices, to be published and posted up as hereinafter provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the lists of the qualified voters; during which session it shall be the right of each and every person then actually residing in the ward, and who, at the then next approaching election, may be a qualified elector, and whose name is not already registered, to have his name entered in the register, which shall be done in the manner above described; and such boards, and each member thereof, and each applicant for registration, is hereby vested and charged with the same rights, powers, duties and penal liabilities, touching the examination of applicants, as hereinbefore provided: *Provided, That* ^{Provide.} the provisions of this amendment shall not apply to electors in the city of Detroit.

Sec. 2. This act shall take immediate effect.

Approved March 20, 1863.

[No. 195.]

AN ACT to amend section three hundred and thirty-seven of the compiled laws, the same being section three, of chapter ten thereof.

SECTION 1. *The People of the State of Michigan enact*, That section three hundred and thirty-seven of the compiled laws, be ^{Section amended.} and is hereby amended so as to read as follows:

Quorum of
board.

Sec. 337. A majority of the supervisors of any county shall constitute a quorum for the transaction of the ordinary business of the county, and all questions which shall arise at their meetings shall be determined by the votes of a majority of the supervisors present, except upon the final passage or adoption of any measure or resolution, in which case a majority of all

Proceedings
at meetings

the members elect shall be necessary. They shall sit with open doors, and all persons may attend their meetings. They shall, at their first meeting after the annual township meeting in each year, choose one of their number as chairman, who shall preside at all meetings of the board during the year, if present, but in case of his absence from any meeting, the members present shall choose one of their number as temporary chair-

Powers of
chairman.

man. Every chairman shall have power to administer an oath to any person concerning any matter submitted to the board, or connected with the discharge of their duties, to issue subpoenas for witnesses, and to compel their attendance in the same manner as courts of law.

Approved March 20, 1863.

[No. 196.]

AN ACT to amend section six, of act number fifty-nine, of session laws of eighteen hundred and fifty-three.

Section
amended.]

SECTION 1. *The People of the State of Michigan enact*, That section six, of act number fifty-nine, of session laws of eighteen hundred and fifty-three, be amended so as to read as follows:

Specific tax.

Sec. 6. The said bank shall pay to the State Treasurer, by the first of March, the present year, and on or before the second Monday of January, in each year hereafter, during its corporate existence, one per centum on its entire circulation, which shall be in lieu of all other taxes, to be ascertained by the amount of State stock deposited with the State Treasurer:

Proviso.

Provided, That in no case shall said bank pay said tax on a less amount than fifty thousand dollars, and all real estate

owned by said bank shall be taxed as other property in the several townships, cities and villages where the same may be located: *Provided, also*, That this act shall not be so construed as to exempt any increase of capital, by increase of stock or otherwise, added to said bank, but all such capital shall pay a State tax of one per centum.

Approved March 20, 1863.

[No. 197.]

AN ACT to amend sections twenty-seven and thirty-two of an act entitled "an act to incorporate the village of Bay City," approved February ninth, eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-seven of an act entitled "an act to incorporate the village of Bay City," approved February ninth, eighteen hundred and fifty-nine, be amended so that said section, so amended, shall read as follows: Section amended.

Sec. 27. The common council shall have full power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also all taxes on real and personal property not exempt from taxation, within the limits of said village, necessary to defray the expenses thereof: *Provided*, That said taxes, so assessed and collected, shall not exceed in any one year, one and one-half of one per centum upon the valuation of said real and personal property, exclusive of the side-walk, highway, capitation or poll taxes, and taxes for the purpose of buying hose and other apparatus for the use of the fire department; and every assessment of taxes lawfully laid and imposed by the said common council on any lands, tenements, hereditaments or premises whatever in said village, shall be and remain a lien on such lands, tenements and hereditaments from the time of making such assessments, or imposing such tax, until paid; and the owner or occupant, or parties interested, respectively, in said real estate, shall be liable, upon Poll tax. Taxes a lien.

demand, to pay every such assessment or tax to be made as aforesaid; and in default of such payment or part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for want thereof to sell real estate, rendering the surplus, if any, after deducting the charges of such sale, to the person against whom the tax is levied: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in said county for at least four weeks, once in each week, previous to such sale, and by written or printed notices posted in six public places in said village; and the said marshal shall give to the said purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased, and the time when the purchaser or purchasers will be entitled to a deed for said land; and if the person claiming title to said lands described in the certificate of sale shall not, within one year from the date thereof, pay to the said treasurer of said village, for the use of the purchaser or purchasers, his, her or their heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty per centum per annum from the date of such certificate, the said marshal, or his successor in office, shall, at the expiration of said year, execute to the purchaser or purchasers, his, her or their heirs or assigns, a conveyance of the lands so sold; and the said conveyance shall be *prima facie* evidence that the sale, and all the proceedings thereon prior to such sale, were regular according to the provisions of this act, and the ordinances of said village, and of title in fee in the purchaser, subject to all claims the State may have therein; and every such conveyance, executed by said marshal under his hand and seal, in the presence of two or more subscribing witnesses, and duly acknowledged and recorded in the usual form, may be given in evidence in the usual manner, and with the like effect, as a deed regularly executed and acknowledged by the owner, and duly recorded; and when such deed shall have been on record for two years, in the office of the register of deeds for said Bay

Sale of property for taxes.

Proviso.

Redemption.

Conveyance.

Evidence of title.

county, it shall be conclusive evidence of title in the person or persons to whom such real estate was sold, his, her or their heirs or assigns, unless it shall be made to appear that the tax for which the land was sold had been duly paid, or that said land was not liable to taxation at the time such tax was assessed; all personal property sold for taxes in said village shall be sold in such manner as the by-laws and ordinances of the village shall prescribe: *And provided further*, That if any parcel of land cannot be sold to any person for the taxes and charges, the treasurer of said village shall bid the same off to the common council of said village, and shall give a like certificate of such sale, which shall have the like effect, in all respects, as if the same had been given to any purchaser thereof.

Corporation
may pur-
chase.

Sec. 2. That section thirty-two of said act be amended so that said section, so amended, shall read as follows:

Section
amended.

Sec. 32. The common council shall have authority to establish and organize all such fire companies, and hose and hook and ladder companies, and provide them with such engines and other instruments as shall be necessary to extinguish fires and preserve the property of the inhabitants of said village from conflagration; to appoint, from among the inhabitants of said village, such number of men, willing to accept, as may be deemed proper and necessary as firemen: *Provided*, That such number does not exceed sixty in the management of one engine; and such fire, hose and hook and ladder companies, shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council; and they may impose such fines for the non-attendance or neglect of duty of any of their members as may be established by such by-laws and regulations of every such company, and every person belonging to such company shall obtain, from the recorder of said village, a certificate to that effect, which shall be evidence thereof, and the members of such companies, during their continuance as such, shall be exempt from working a poll tax on the streets

Fire compa-
nies.

Provide.

Power of
companies.

Exemption

Duties of
companies.

Tax author-
ized for ap-
paratus.

Proviso.

and highways of said village; and it shall be the duty of every fire company to keep in good and perfect repair the fire-engines, hose, hooks and ladders, and other instruments of such company, it shall be the duty of each fire company to assemble at least once in each month, or as often as may be directed by the said common council, for the purpose of working or examining said engine and other instruments, with a view to their perfect order and repair, and the fire department shall in all respects be under the control and government of the common council, and shall obey all by-laws and ordinances of the village, under such penalty as shall be prescribed therein; and the said common council shall have power, and are hereby authorized, to levy a tax or taxes, and cause the same to be assessed upon the taxable property, real and personal, in said village, for the purpose of buying hose and other apparatus for the use of the fire department of said village: *Provided, however,* That no tax or taxes, so levied and assessed, shall exceed in any one year the sum of one thousand dollars: *And provided further,* That no such tax or taxes shall be levied and assessed unless two-thirds of the common council shall vote for the ordinance levying such tax.

Sec. 3. This act shall take immediate effect.

Approved March 20, 1868.

[No. 198.]

AN ACT to divide the Lexington and Flint river State road into two sections, and to provide for the appointment of a commissioner on each.

Road divi-
ded.

Commis-
sioners.

SECTION 1. *The People of the State of Michigan enact,* That the State road from Lexington, in the county of Sanilac, to Flint river, in the county of Lapeer, be and the same is divided into two sections, and that all that part of said road that is in the county of Sanilac shall form one section, and all that is in the county of Lapeer shall form the other section, and that the Governor is hereby authorized to appoint a commissioner for

each section of said road, and each of said commissioners shall perform all the duties on their respective sections of said road that are required by law to be performed by the commissioner on said road if this act had not passed.

Sec. 2. This act shall take immediate effect.

Approved March 20, 1863.

[No. 199.]

AN ACT to amend section twenty-seven, of chapter one hundred and twenty-three, of the revised statutes of eighteen hundred and forty-six, being section five thousand of the compiled laws, relative to proceedings for forcible entry and detainer.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-seven, of chapter one hundred and twenty-three, ^{Section amended.} of the revised statutes of eighteen hundred and forty-six, being section five thousand of the compiled laws, be and the same is hereby amended so as to read as follows:

Sec. 27. If, upon the trial of an appeal in the circuit court, ^{When writ of possession may issue.} judgment be rendered in favor of either party for costs, the circuit court may issue execution for such costs; and if the complainant shall recover judgment for restitution of the premises in question, or any part thereof, the circuit court may issue a writ of possession in favor of the complainant, in accordance with such judgment of restitution.

Approved March 20, 1863.

[No. 200.]

AN ACT to amend section two hundred and seventy-four, compiled laws, it being section three of "an act relative to the distribution of the surplus funds in the State treasury."

SECTION 1. *The People of the State of Michigan enact*, That section three, of chapter seven, of the compiled laws, be amended ^{Section amended.} so as to read as follows:

State Treasurer to require security.

Sec. 3. The State Treasurer is hereby further instructed to require of any bank, before he shall have made it a depository of surplus funds belonging to the State, good and ample security, to be approved by the said State Treasurer, the Auditor General and the Secretary of State, for the safe keeping and reimbursement of such surplus funds, whenever called for, and the payment of such rate of interest as the State Treasurer, in his discretion, shall deem best for the interest of the State.

Approved March 20, 1863.

[No. 201.]

AN ACT to authorize the common council of the city of Battle Creek, Calhoun county, to raise money, by tax, to refund moneys subscribed by the citizens of said city for bounties to volunteers under two calls of the general government for three hundred thousand men each.

Tax authorized.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for the common council of the city of Battle Creek, in Calhoun county, to assess, levy and collect, at the same time, and in the same manner, and upon the same roll, as other city taxes are assessed, levied and collected, in addition to other city taxes assessed, levied and collected by said common council, a sum of money not exceeding six thousand dollars at the time of assessing, levying and collecting the next city tax after this act shall take effect.

Payment of money advanced for bounties

Sec. 2. It shall be the duty of the common council of said city, after said money shall have been collected, to pay out the same to such citizens of said city as shall have paid moneys for bounties to volunteers to the armies of the United States under the two calls of the general government for three hundred thousand men each, as shall not have heretofore been paid or provided for by said city, or by the board of supervisors of Calhoun county, under such regulations and upon such

vouchers as said common council shall, by ordinance or resolution, direct.

Sec. 3. This act shall take immediate effect.

Approved March 20, 1863.

[No. 202.]

AN ACT to amend section twenty-three of the revised statutes of one thousand eight hundred and forty-six, entitled "of offences against public justice," the same being section five thousand eight hundred and forty-two of the compiled laws.

SECTION 1. *The People of the State of Michigan enact, That* section twenty-three, of chapter one hundred and eighty-three, of the revised statutes of eighteen hundred and forty-six, be so amended as to read as follows: Section amended.

Sec. 23. If any person shall knowingly and willfully obstruct, resist or oppose any sheriff, coroner, township treasurer, constable, or other officer or person duly authorized, in serving, or attempting to serve or execute any process, rule or order, made or issued by lawful authority, or shall resist any officer in the execution of any ordinance, by-law, or any rule, order, resolution made, issued or passed, by the common council of any city, board of trustees of any incorporated village, or township board of any township, or shall assault, beat or wound any sheriff, coroner, township treasurer, constable, or other officer duly authorized, while serving, or attempting to serve or execute any such process, rule or order, or for having served, or attempted to serve or execute the same, every person so offending shall be punished by imprisonment in the State Prison not more than two years, or by imprisonment in the county jail not more than one year, or by fine not exceeding five hundred dollars. Resisting officer in the execution of process. 23

Approved March 20, 1863.

[No. 203.]

AN ACT to divide the Allegan, Muskegon and Traverse Bay State road into four sections, appoint commissioners thereon, and to appropriate swamp lands for the improvement thereof.

SECTION 1. *The People of the State of Michigan enact,* That the line of the Allegan, Muskegon and Traverse Bay State road shall be divided into four sections, to be numbered one, two, three and four. Section one shall be that part of said line of road commencing at the village of Paw Paw and extending to Grand river, at Ferrysburg; section two shall be that part of said line of road commencing and connecting with section one at Grand river, and extend to the north line of Muskegon county; section three shall be that part of said line of road commencing and connecting with section two, on the north line of Muskegon county, and extending to the north line of Mason county; section four shall be that part of said line of road commencing and connecting with section three, at the north line of Mason county, and extend to Grand Traverse Bay, the terminus of said road.

Sec. 2. That there shall be and there is hereby appropriated, in addition to the appropriations heretofore made for the construction of said State road, forty-eight sections of swamp lands, to be selected from any of the swamp lands belonging to the State, for the purpose of and for the construction of said road, to be used and applied as follows, to wit: twenty sections of said land for the purpose of constructing a roadway and bridge over Muskegon river, at the head of Muskegon lake, upon the line of said road; ten sections of said land for the purpose of constructing a roadway and bridge over White river, at the head of White lake, upon the line of said road; four sections for the purpose of constructing a road bed over the marsh at Grand Haven, on the line of said road; four sections for the purpose of constructing a road bed over the marsh at Holland, on the line of said road; two sections for the purpose of constructing a bridge over the Kalamazoo river, on the line of said road; eight sections of said land for the purpose of constructing a road bed

and bridge over the Pere Marquette river, in the county of Mason, on the line of said road.

Sec. 3. That there shall be appointed by the Governor one ^{Commissioner.} commissioner for each of said sections, who shall reside upon or near the line and within the section for which he may be appointed; and it shall be the duty of each commissioner, as soon ^{Duties of} as appointed, to proceed to establish and construct said road through the section for which he is appointed, in the manner and under the authority provided by act number one hundred and seventeen, and the act amendatory thereto, providing for laying out, establishing and constructing said road: *Provided*, That no essential change of the general direction and route of ^{Proviso.} said road shall be made, except with the approval of the board of control: *And provided further*, That the provisions of this act shall not be construed as to impair the rights of any parties under existing contracts: *Provided further*, That any State road on which is appropriated any swamp lands for its construction may be directed by the board of control, if such road shall exceed one hundred miles in length, and a commissioner appointed by the Governor, as commissioners are now appointed, for any section of such road which shall be at least forty miles in length.

Sec. 4. That it shall be the duty of each commissioner ap- ^{Commissioners, powers and duties of.} pointed under this act to construct good and substantial roadways and bridges across the streams and marshes, at the points to be fixed upon on the line of said road; and to enable the said commissioners to construct such roadways and bridges across said streams, they shall have the power and authority to contract for the construction thereof at such rates, and on such terms, as they may deem proper, and make payments therefor out of the lands herein appropriated: *Provided*, That before the construction of the bridges herein provided for, each commissioner shall obtain the proper authority from the board of supervisors of the county in which such bridges are to be constructed: *And provided further*, That said bridges shall not obstruct the navigation of said streams.

Compensation.

Sec. 5. That said commissioners shall be entitled to the same per diem compensation, and paid therefor, as it is provided for the payment of commissioners in said act number one hundred and seventeen.

Acts declared inoperative.

Sec. 6. That all acts or parts of acts inconsistent with the provisions of this act, are hereby declared inoperative as against the provisions of this act.

Sec. 7. This act shall take immediate effect.

Approved March 20, 1863.

[No. 204.]

AN ACT to provide for an insurance on the State library.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That the sum of six hundred dollars be and the same is hereby appropriated, out of any moneys in the State treasury to the credit of the general fund, not otherwise appropriated, for an insurance of the State library.

Insurance of State Library:

Sec. 2. There shall be paid out of the State treasury, each year, for the period of two years, the sum of three hundred dollars, for an insurance of the State library.

Board of Auditors to procure an insurance.

Sec. 3. That the board of State auditors are hereby authorized to procure an insurance on the State library, each year, for the period of two years, from the passage of this act, in some responsible company or companies, and the money appropriated for the insurance herein provided for and authorized, shall be drawn from the treasury by the board of auditors, upon the warrant of the Auditor General, and be expended for the purposes aforesaid.

Approved March 20, 1863.

[No. 205.]

AN ACT to amend an act entitled "an act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes."

SECTION 1. *The People of the State of Michigan enact*, That section twenty, of chapter sixty-three, of the compiled laws, be Section 1 amended. amended so as to read as follows:

Sec. 20. All corporations formed under the provisions of this Specific tax. act for the purpose of mining, shall pay into the State treasury specific taxes as follows, that is to say: every such corporation engaged in copper mining shall pay a tax of seventy-five cents for each ton of copper obtained and smelted in this State, and one dollar for each ton of copper or mineral obtained and exported from the State before being smelted; every such corporation engaged in iron mining shall pay a tax of three cents for each ton of two thousand two hundred and forty pounds of ore or mineral obtained and exported from this State before being smelted or refined; pig, bloom, or other iron manufactured in this State, shall be free from specific tax except upon the capital stock; every such corporation engaged in coal mining shall pay a tax of one-half cent for each ton of coal obtained by such corporation, in such mining business. Said taxes shall When and where paid. be paid annually, in the month of July, at the office of the State Treasurer, or such place in the city of Detroit as he may designate. This act shall in no way interfere with the provisions of Not to interfere with previous act an act heretofore passed, remitting the specific taxes of the Upper Peninsula to the counties in which they arise, for certain purposes, for a term of five years. The taxes herein provided for shall be in lieu of all State taxes to be paid by such corporations, except the specific taxes upon the capital stock of said companies: *Provided*, That nothing herein contained shall ex- Provide. empt from State taxation any property of such corporations not invested in mining or manufacturing business, as contemplated by this act.

Sec. 2. This act shall take immediate effect.

Approved March 20, 1868.

[No. 206.]

AN ACT to authorize the township of St. Joseph, and other townships in the county of Berrien, to make loans and levy taxes for the improvement and construction of the harbor at St. Joseph, in said county.

SECTION 1. *The People of the State of Michigan enact,* That the township of St. Joseph, in the county of Berrien, is hereby authorized and empowered to borrow money on the faith and credit of said township, and issue its bonds therefor, or levy taxes to an amount not exceeding one per centum upon its taxable property in any one year, which money shall be expended in improving and repairing the harbor at the mouth of the St. Joseph river, in said county.

Sec. 2. Said township bonds may be issued for sums not less than one hundred dollars each, and for a time payable not less than five years, and at a rate of interest not exceeding seven per centum, payable by coupons annually, which bonds shall be signed by the supervisor and countersigned by the clerk of said township: *Provided,* That a majority of the electors of said township, voting at any annual or special meeting thereof, shall vote, by ballot, for such loans, and not otherwise: *And provided also,* That said bonds shall in no case be sold for less than their par value.

Sec. 3. If said loans are authorized by a majority of the electors of said township or townships, the township board of said townships may order the issue of said bonds from time to time, and may appoint one or more agents to negotiate the same, requiring such bonds from said agents for the faithful performance of their duty as to such board may seem proper, and the money so obtained shall be paid over to the treasurer of the township wherein said moneys are raised or whose bonds are sold, to be known as the St. Joseph harbor improvement fund, and said township treasurers shall give such bonds for the faithful performance of their duty in this behalf as the township board may require.

Sec. 4. Said township board shall appoint five freeholders

of the township, to hold their office for such length of time as Harbor
said township board shall determine, and shall appoint their commis-
sioners.
successors, and fill all vacancies, as necessities may require,
whose duty it shall be to build, widen, excavate, improve, and Powers and
keep in repair, the harbor at the mouth of St. Joseph river, as duties of.
aforesaid, in such manner as they shall deem best, and to such
and shall use and disburse all moneys raised for such purpose,
and the same shall be drawn out of the funds aforesaid only Money,
upon the order of the supervisor of said township, signed by how drawn.
himself, and countersigned by the clerk of the said harbor
board: *Provided*, That the letting of the work of improvement Letting con-
herein contemplated, shall first be advertised for six successive tracts.
weeks, in a newspaper published in said county, before the
letting of said work, and the letting shall be given to the
lowest bidder therefor, who shall give sufficient security for Contractor
the faithful performance of said work. to give se-
curity.

Sec. 5. The supervisor of said township shall, from time to Tax for pay-
time, as shall be necessary, levy and assess a tax upon the ment of
taxable property of said township, sufficient to meet the bonds bonds and
issued by the township, as aforesaid, and interest thereon, as interest.
they shall from time to time become due, and all necessary
expenses, and said tax shall be assessed and collected in the
same manner as other taxes are by provisions of law assessed
and collected, and the tax thus collected shall be exclusively
applied and appropriated to the payment of the loans, bonds,
expenses and interests aforesaid.

Sec. 6. For the purposes herein provided for, it shall be law- Township
ful for said township to take, receive and hold such voluntary may receive
grant or donation of land or other property, as shall be made in grants and
aid of said improvement, and to purchase, take and hold such purchase
real estate or other property as may be necessary for such property.
purpose; and for acquiring of such title, said township board
shall proceed, in all respects, as near as may be applicable,
in accordance with the provisions of an act entitled "an act
to provide for the incorporation of railroad companies," ap-

proved February 12th, eighteen hundred and fifty-five, and all other acts amendatory thereto.

Provisions
of act ex-
tended to
other town-
ships.

Sec. 7. The provisions of this act shall apply to any other township in the county of Berrien for the object aforesaid, and said townships shall, in the same manner, act jointly with the township of St. Joseph, or the township of Benton, in prosecuting the said improvements of St. Joseph harbor; each township, thereupon, having a voice in the prosecution of said work, and all matters connected therewith, relatively, according to and in proportion to the amount of moneys raised by each of such townships.

Sec. 8. This act shall take immediate effect.

Approved March 20, 1863.

[No. 207.]

AN ACT to authorize the Amboy, Lansing and Traverse Bay railroad company to acquire the rights of the Grand River Valley railroad.

Authorized
to acquire
rights, etc.

SECTION 1. *The People of the State of Michigan enact*, That the Amboy, Lansing and Traverse Bay railroad company be and it hereby is authorized and empowered to purchase and acquire all the rights, privileges and immunities of the Grand River Valley railroad company, and the latter company is hereby authorized to sell the same; and by virtue of such purchase or acquisition the said Amboy, Lansing and Traverse Bay railroad company shall be invested with all the rights, privileges and immunities owned by said Grand River Valley railroad company, and the rights, privileges and immunities contained in the original act of incorporation of said Grand River Valley railroad company, and may locate and construct their line of railroad from the city of Lansing to the city of Jackson, over and upon the line of the Grand River Valley railroad company, or such other line as they may see fit, not materially varying from the said line of the Grand River Valley railroad company, and

Location of
line.

shall be entitled to the same rights, on constructing their road upon said line, as if it had been originally located thereon.

Sec. 2. It shall be the duty of said railroad company, in case they accept the provisions of this act, to locate the line of their railroad from Jackson to Lansing on or before the first day of December next, and file the necessary maps required by sections five and six of said act, approved February fourteenth, eighteen hundred and fifty-seven.

Approved March 20, 1863.

[No. 208.]

AN ACT to provide an additional sum for the payment of members and officers of the Legislature for the year eighteen hundred and sixty-three, and for warming and repairing the hall of the House of Representatives.

SECTION 1. *The People of the State of Michigan enact, That* in addition to the appropriation heretofore made, there be appropriated out of any money in the treasury to the credit of the general fund, a further sum, not exceeding five thousand dollars, for the payment of the members and officers of the Legislature for the year eighteen hundred and sixty-three.

Sec. 2. And the further sum of two thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, to be expended under the direction of the board of State auditors, in securing and putting into this hall, or the basement thereof, a new and improved warming apparatus, and in otherwise improving, cleaning and ventilating the same.

Approved March 20, 1863.

[No. 209.]

AN ACT to renew internal improvement land warrants, issued by the Auditor General pursuant to an act entitled "an act to regulate the issuing of certain land warrants," approved March twenty-ninth, eighteen hundred and forty-eight, and to extend the time for the location thereof.

Warrants
renewed.

SECTION 1. *The People of the State of Michigan enact*, That in all cases where the holders of warrants, issued by the Auditor General under the provisions of an act entitled "an act to regulate the issuing of certain land warrants by the Auditor General, and limiting the time within which the same shall be received at the State Land Office, in payment for internal improvement lands," approved March twenty-ninth, eighteen hundred and forty-eight, shall have neglected to make a selection of lands under such warrants within the time limited by the provisions of said act, he may make such selections at any time within two years from the passage of this act, from any lands now held for sale by this State in the Lower Peninsula, and said warrants may be received in payment therefor at the amount or value for which they were issued: *Provided*, That nothing herein contained shall prevent the Commissioner of the State Land Office from selling any of the internal improvement lands now remaining unsold, to any person making application to purchase, for money.

Proviso.

Sec. 2. So much of any act as contravenes the provisions of this act is hereby repealed.

Approved March 20, 1868.

[No. 210.]

AN ACT to protect the owners of sheep from damage done by dogs.

Tax author-
ized.

SECTION 1. *The People of the State of Michigan enact*, That in all the townships and wards of the cities of this State, there shall be annually levied and collected the following tax upon dogs: upon every dog owned or kept by any one person or family, one dollar.

Sec. 2. The assessor of every township and ward, at the ^{Duty of assessor.} time of making his annual assessment, shall inquire and ascertain the number of dogs liable to be taxed; and shall enter in lists, to be made by him, the name of every person in his respective township or ward, those owning or keeping any dog subject to the above tax, the number kept by such person, and the whole amount of tax to be paid by him.

Sec. 3. The assessor of every township and ward shall, on ^{10th} or before the fifteenth day of May, make out a duplicate of the lists made by them, as provided in the preceding section, and file the same with the treasurer of their respective counties. Said taxes as provided for in the preceding sections of this act, shall be assessed to and collected from such persons as shall be liable for the same, in the same manner as other taxes are assessed and collected.

Sec. 4. The collector to whom such tax roll shall be delivered ^{Collection of tax.} shall proceed and collect the sums of money therein specified, in the same manner, and with like authority, in all respects, as in the collection of taxes imposed by the board of supervisors of the county, and shall pay the same to the county treasurer, after deducting the commission allowed by this act; and the same remedies to compel such collection, and the payment over of the money, may be had against such collectors and their sureties as in the case of a tax levied by the board of supervisors.

Sec. 5. The collectors shall be allowed to retain a commis- ^{Commission of collector.} sion of ten per cent. upon all sums collected by them in pursuance of this act.

Sec. 6. If any person, duly assessed, shall refuse or neglect ^{When tax not paid dog may be killed.} to pay the tax so assessed, for ten days after the demand thereof, it shall be lawful for any person to kill the dog so taxed.

Sec. 7. The moneys so collected and paid to any county ^{Money, how applied.} treasurer shall be applied in paying the interest upon the primary school fund.

Sec. 8. Every person in possession of any dog, or who shall

Who deem- suffer any dog to remain about his house for the space of
ed owner of twenty days previous to the assessment of a tax, or previous
dog. to any injury, chasing or worrying of sheep, shall be deemed
the owner of such dog, for all the purposes of this act: *Pro-
vided*, That this act shall not apply to the Upper Peninsula,
nor to any county where sheep are not kept.

[Sec. 9. This act shall take immediate effect.]

Approved March 20, 1863.

[No. 311.]

AN ACT to establish a military school in connection with the
Agricultural College.

Military school es- SECTION 1. *The People of the State of Michigan enact*, That
tablished. in addition to the course of instruction already provided by law
for the Agricultural College of this State, there shall be added
military tactics and military engineering.

Rules and regulations. SEC. 2. The State board of agriculture are hereby authorized
and required to make such additional rules and regulations for
the government and control of the Agricultural College as may
be necessary to carry into effect the provisions of section one
of this act.

Arms, ac- SEC. 3. The State board of agriculture shall, by and with the
countre- advice and consent of the Governor, the Adjutant General and
ments, etc. Quartermaster General, procure, at the expense of the State, all
such arms, accoutrements, books and instruments, and appoint
such additional professors and instructors as, in their discre-
tion, may be necessary to carry into effect the provisions of
this act: *Provided*, That nothing in this act shall be construed
to authorize the incurring of any indebtedness against the State,
or the expenditure of money beyond the appropriations made to
the Agricultural College.

Provide.

Approved March 20, 1863.

[No. 212.]

AN ACT to provide for a special geological survey of portions of the State, and the collection, arrangement and preservation of geological specimens.

SECTION 1. *The People of the State of Michigan enact, That* the Governor is hereby authorized and directed to appoint a competent person, whose duty it shall be to visit the salt localities of the State and make a special survey thereof, with direct reference to the feasibility of salt boring therein; also, to collect and arrange suitable specimens of the different strata obtained from the borings of the salt wells of the State, and arrange the same in a cabinet, suitable for the same, in some room of the capitol.

State Geologist, appointment and duties of.

Sec. 2. The sum of fifteen hundred dollars for eighteen hundred and sixty-three, and a like amount for the year eighteen hundred and sixty-four, is hereby appropriated to defray the expenses that may be incurred under this act, which sum shall be paid out of the treasury from any money not otherwise appropriated, at such times and in such sums as the Governor may direct; and an account of all the expenditures incurred by this act shall be reported to the Legislature, in the same manner as is now required by law of the State officers.

Appropriation.

Sec. 3. The geologist appointed by the Governor, under this act, shall make a report to the Legislature, whenever the same is in session, setting forth his doings under this act.

Report of Geologist.

Sec. 4. This act shall take immediate effect.

Approved March 20, 1868.

[No. 213.]

AN ACT to lay out and establish a State road from the Ontonagon river to the Montreal river, in Ontonagon county, to be known as the Ontonagon and Montreal river State road, in the Upper Peninsula.

SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and established a road from near the

Road established. mouth of the Montreal river, thence easterly on the most eligible route along the shore of Lake Superior, to the Ontonagon river, to be known as the Ontonagon and Montreal river State road.

Commissioners. Sec. 2. There shall be three commissioners for said road, to-wit: Daniel Beaser, Peter Mitchell and Daniel S. Cash, whose **Duties of.** duty it shall be to superintend and direct the letting of contracts, locating and constructing the said roads, and they shall severally receive for their services two dollars per day, for every day actually employed on said road, which shall be paid by the county of Ontonagon, upon being audited and allowed by the board of supervisors of said county.

Powers of. Sec. 3. The commissioners are hereby authorized to commence the construction of said road at such points, and proceed in such manner in the construction as they, or a majority of them, may deem most advisable.

Appropriation. Sec. 4. There is hereby appropriated for the construction of the said roads a quantity of State swamp land, equal to two sections of six hundred and forty acres each, to be selected from the lands in the Upper Peninsula, not otherwise appropriated, or selected by the State as mineral lands, to every mile on said road, to be rated at the minimum price of one dollar and twenty-five cents per acre; and on said road, in addition to the two sections of land as aforesaid, there shall be appropriated, to aid in the construction thereof, all the non-resident highway taxes for the year eighteen hundred sixty-four, and for the five years thereafter, that may be assessed in that part of Pewabic township in Ontonagon county, lying west of range forty-two. Said money to be paid to said commissioners, or a majority of them, upon their order, by the township treasurer of Pewabic township, or any overseer or commissioner of highways who may hold the same.

Letting of contracts, notice of. Sec. 5. Before making any contracts for the construction of said road, or any part thereof, the commissioners shall advertise the letting of contracts, at least thirty days, in some newspaper published in the county of Ontonagon, and by posting up

printed notices in at least ten public places in said county, giving the time and place of the letting, and shall let the contracts to the lowest responsible bidders.

Sec. 6. The commissioners, upon making any contract for the construction of said road, or any part thereof, shall require of the contractor ample security for its faithful performance, and shall file a duplicate copy of said contract with the clerk of the county of Ontonagon, with a plat of said road, or such part thereof as is embraced in any contract; and said commissioners shall, on the first day of July in each year, file with the clerk of said county a sworn statement of all contracts, and all expenditures thereon, with the vouchers for each and every payment.

Contractors to give security.

Sec. 7. The board of supervisors of the county of Ontonagon shall be a board of examiners and auditors for said roads, whose duty it shall be to examine the work done on said roads, and if, in their opinion, the work is done in accordance with the contract, they shall approve the same.

Board of supervisors, duties of.

Sec. 8. Said road shall be cleared three rods wide, and grubbed twenty feet wide, well ditched longitudinally, with side cuts sufficient to carry off all the water and effectually drain said road.

Road, how constructed

Sec. 9. The contractors, or any of them, may at any time have an estimate made by the commissioners of the work done on any part of said road, and when said estimate is approved by the board of supervisors, the county clerk of said county shall certify said estimate to the Commissioner of the State Land Office, with the approval of the board of supervisors, and the Commissioner of the State Land Office shall thereupon cause to be issued to such contractor, or his order, patents for an amount of the State swamp lands, which, at one dollar and twenty-five cents per acre, would amount to three-fourths of the amount of work estimated to be done, and approved as aforesaid, the remaining one-fourth of said estimate to remain unpaid until the work contracted to be done is completed: *Provided, That if any supervisor of said county of On-*

When patents to be issued, for three fourths.

Provided.

tonagon shall be interested in any contract on either of said roads, he shall be incompetent to act as supervisor on any question pertaining to said roads.

Selection of
lands and
withdrawal
of, from
market.

Sec. 10. When any contract is let and approved, the commissioners or contractor may proceed to select the amount of land they are entitled to by the provisions of this act from any of the State swamp lands in the Upper Peninsula, not otherwise appropriated; and upon a description of the land, thus selected being filed with the Commissioner of the State Land Office, he shall withdraw the lands from market.

Patents to
issue upon
completion

Sec. 11. Upon the completion of said, road in accordance with the contracts, to the satisfaction of the board of supervisors of the county of Ontonagon, they shall certify the same to the Commissioner of the State Land Office, and said commissioner shall thereupon cause to be issued patents for the lands selected on said contracts, to such persons as the commissioners for said road shall direct.

Right of
way.

Sec. 12. The right of way is hereby granted for said road through any lands of this State.

Sec. 13. All acts and parts of acts contravening this act are hereby repealed.

Approved March 20, 1863.

[No. 214.]

AN ACT to amend section eighty-six, of chapter seventy-eight, of the compiled laws, the same being section twenty-three hundred and twenty-nine thereof.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section eighty-six, of chapter seventy-eight, of the compiled laws, the same being section number two thousand three hundred and twenty-nine thereof, be and the same is hereby amended so as to read as follows:

School in-
spectors,
meeting of.

Sec. 86. For the purpose of making such examination, the board of school inspectors shall meet on the second Saturday of April, and the first Saturday of October, and the first Satur

day of November, in each year, at the office of the township clerk, or at such other place as they shall designate, of which meetings the township clerk shall give at least ten days notice in writing, by posting up the same in three public places in the township.

Approved March 20, 1863.

[No. 215.]

AN ACT making appropriation for the support of the State Agricultural College, and the State board of agriculture.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the State treasury, the sum of nine thousand dollars for the year one thousand eight hundred and sixty-three, and the sum of nine thousand dollars for the year one thousand eight hundred and sixty-four, for the use and support of the State Agricultural College, and to pay the expenses of the State board of agriculture, which said moneys shall be expended under the direction and control of the said board, so far as may be necessary, for the purposes aforesaid, and shall be drawn from the treasury on the presentation of the proper certificates of the said board to the Auditor General, and on his warrant to the State Treasurer.

Approved March 20, 1863.

[No. 216.]

AN ACT to authorize and provide for re-platting the village of Hastings, in the county of Barry.

SECTION 1. *The People of the State of Michigan enact*, That the register of deeds in and for the county of Barry, be and hereby is authorized and empowered to re-plat the village of Hastings, in the county of Barry: *Provided*, The same shall be done, and a duly certified copy of such plat filed and recorded in the office of the register of deeds in and for said county of

Barry, on or before the first day of March, A. D. eighteen hundred and sixty-four.

Manner of
making new
plat. ~~new~~

Sec. 2. In making such new plat of said village, the names and location of all streets and alleys therein shall be and remain the same as in the original plat of said village, but the blocks shall be numbered in succession, commencing at number one, which number shall be the number of the block in the north-east corner of said village plat. The lots in each block shall be numbered from one up to and including the number such block shall contain.

Blocks, etc.,
how de-~~scrib~~
scribed.

Sec. 3. For purposes of assessment and taxation, it shall be sufficient in all cases where a whole block shall belong or is assessed to any one person or company, to designate such block by the number thereof; and in all conveyances of real estate in said village, after such plat shall be filed and recorded as aforesaid, it shall be a sufficient description of any real estate in said village to designate the same by the number of the block, and number of the lot in such block, in accordance with such new plat.

Register to
make certi-
fied copy of
plat.

Sec. 4. Such register of deeds shall make a certified copy of such plat, for the use of the supervisor of the township of Hastings, and also a certified copy of the same for the use of the common council of the village of Hastings, and one copy to be and remain on file in the office of the register of deeds for the county of Barry.

Compensa-
tion of reg-
ister.

Sec. 5. The compensation which such register of deeds shall receive for such labor and services aforesaid shall not exceed the sum of one hundred dollars, one-fourth of which amount shall be paid by the common council of the village of Hastings, and three-fourths by the board of supervisors of the county of Barry, who shall draw their warrant for such amount on the treasurer of said county, and such compensation shall be due to said register as soon as he shall have made, filed and recorded the said plats heretofore mentioned.

Approved March 20, 1863.

[No. 217.]

AN ACT to amend an act entitled "an act giving the circuit court jurisdiction in actions of ejectment," approved April second, eighteen hundred and forty-nine, being section forty-six hundred and fifteen of the compiled laws, by adding a new section thereto.

SECTION 1. *The People of the State of Michigan enact, That* the act entitled "an act giving the circuit court jurisdiction in actions of ejectment," approved April second, eighteen hundred and forty-nine, be and the same is hereby amended by adding a new section thereto, to stand as section two of said act, as follows:

Sec. 2. When such action of ejectment shall be removed to the supreme court by a writ of error, or otherwise, whether the judgment of the circuit court be affirmed or reversed, if a writ of restitution or possession become necessary or proper to carry into effect the judgment of the supreme court, the case shall be remanded to the circuit court where the same originated, with the order of the supreme court in the premises, and such writ of possession or restitution shall issue from such circuit court.

Approved March 20, 1863.

[No. 218.]

AN ACT to extend the line and to change the name of the St. Ignace and Millekoka State road.

SECTION 1. *The People of the State of Michigan enact, That* the St. Ignace and Millekoka State road, authorized by an act approved March fifteenth, eighteen hundred and sixty-one, shall commence at Point St. Ignace, near the Island of Mackinaw, and extend thence westerly, passing near the mouth of the Millekoka and the Monistique rivers, and the Delta Mills village, on the White Fish river, to a favorable point of intersection with the Marquette and Bay de Noc State road; and also a branch from the line aforesaid, to point Detour, in township thirty-seven north, of range nineteen west; the said road

to be henceforth known as the Mackinaw and Delta State road, and which shall be entitled to the same quota of lands per mile as heretofore conferred by law upon the eastern portion of it.

Survey of
road.

Sec. 2. The Governor shall appoint some competent person as commissioner to survey, lay out and map said road: *Provided*, All expenses incurred are paid from the lands, or the proceeds thereof, heretofore conferred by law to aid in the construction of the same.

Expenses,
how paid.

Sec. 3. This act shall take immediate effect.

Approved March 20, 1863.

[No. 219.]

AN ACT to provide for the enlargement of the State library.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That the sum of five hundred dollars be and the same is hereby appropriated out of any money in the treasury to the credit of the general fund, not otherwise appropriated, for the enlargement of the State library, in the purchase of books for the same.

How expended.

Sec. 2. The money so appropriated, together with all such sums of money as may be now in the State treasury to the credit of the State library fund, shall be drawn from the treasury by the Governor of the State, upon the warrant of the Auditor General, and shall be by the Governor, the chief justice of the supreme court and the State librarian, expended for the purposes aforesaid, and a statement of the manner in which such moneys have been expended shall be laid before the Legislature by the State librarian.

Acts repealed.

Sec. 3. All acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Approved March 20, 1863.

[No. 220.]

AN ACT to allow the board of supervisors of the county of Wayne to issue bonds and create a sinking fund for the purpose of paying the indebtedness of said county, made on account of the volunteers' family relief fund.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the board of supervisors of the county of Wayne, at any regular meeting thereof, whenever necessary, to make adequate provision for all requisite relief and support of the families of volunteers, of the non-commissioned officers, musicians and privates enlisted or drafted from that county, and mustered into the military or naval service of the United States, or of this State, and for such purposes the said board of supervisors are hereby authorized to borrow money, at a rate of interest not exceeding seven per centum per annum, and to issue bonds or other securities for the sums borrowed, payable at some time therein to be mentioned, not exceeding twenty years from the date thereof, and to assess, levy and collect taxes upon all the real and personal property not exempt from taxation in said county, sufficient to pay the sums so borrowed, or to provide the relief so authorized.

Sec. 2. The said board shall have power, at its annual session in the year one thousand eight hundred and sixty-four, or any year thereafter, to provide for the establishment of a sinking fund sufficient to liquidate, at the proper time, such sums borrowed under the provisions of this act; and the said board shall direct, by resolution or otherwise, the creation, disposition and control of the said sinking fund: *Provided, however*, That the money and interest accruing thereon shall not be applied to any other purpose than that of liquidating the debt incurred on account of the volunteers' family relief fund. It shall be a separate fund, and be known as the volunteers' family relief sinking fund.

[Sec. 3. This act shall take immediate effect.]

Approved March 20, 1863.

[No. 221.]

AN ACT to amend an act entitled "an act to provide for the floating of logs and timbers in the streams of this State," approved March sixteenth, eighteen hundred and sixty-one.

SECTION 1. *The People of the State of Michigan enact,* That **AN ACT** entitled "an act to provide for the floating of logs and timbers in the streams of this State," approved March sixteenth, eighteen hundred and sixty-one, be so amended as to read as follows:

SECTION 1. *The People of the State of Michigan enact,* That if any person or persons shall put, or cause to be put, into any navigable river, creek or stream of this State, any logs, timber or lumber, for the purpose of floating the same to the place of manufacture or market, and shall not make adequate provisions, and put on sufficient force for breaking jams of such logs, timber or lumber, in or upon such river, creek or stream, or for running or driving the same, or clearing the banks of such river, creek or stream of the same, and shall thereby obstruct the floating or navigation of such river, creek or stream, it shall be lawful for any other person, company or corporation, floating or running logs, timber or lumber in such river, creek or stream so obstructed, to cause such jams to be broken, and such logs, timber or lumber to be run, driven and cleared from the banks of such river, creek or stream, at the cost and expense of the person or persons owning such logs, timber or lumber, and such owner shall be liable to such person, company or corporation for such cost and expense; and such person, company or corporation, so causing such jams to be broken, or such logs timber or lumber to be run, driven or cleared, may have a lien upon such logs, timber or lumber for his or their reasonable charges and expenses for breaking jams, and running, driving and clearing the same, and shall be entitled to take and retain possession of such logs, timber or lumber, or so much thereof as may be necessary to satisfy the amount of such charges and expenses, and all costs thereon, until the same

Act amended.

Obstructions, how removed.

Persons removing obstructions to have lien upon logs, etc.

shall be determined, satisfied and paid in the manner herein-after prescribed.

Sec. 2. If any person claiming such logs, timber or lumber for himself or another, shall execute and deliver a Bond to the party claiming such lien in a penal sum, to be not less than double the sum claimed, or such other sum, not less than the value of the property taken, as the circuit judge or the circuit court commissioner approving such bond shall direct, conditioned for the payment to the party claiming such lien, such sum as any court of competent jurisdiction shall find and determine to be due for such charges and expenses in breaking such jams, and running, driving and clearing such logs, timber or lumber, as aforesaid, and providing for the care and safety of the same, with sufficient sureties, to be approved by any circuit judge or circuit court commissioner, unless such approval shall be waived by the claimant of such lien, such lien shall thereupon be discharged.

Lien, how discharged.

Sec. 3. Any person, company or corporation claiming any lien, as aforesaid, may bring an action of assumpsit against the owner of such property to determine and satisfy the amount of such lien. If the amount claimed shall not exceed three hundred dollars, the action shall be commenced before any justice of the peace of the county in which the property, or any part thereof, may be situated; and if the amount claimed shall exceed three hundred dollars, then the action shall be brought in the circuit court for such county. The proceedings in such action shall be in accordance with the practice of the courts in which such action is commenced, in actions of assumpsit, and the property so held may be levied upon and sold to satisfy any judgment which may be rendered against such owner, together with all costs of such suit, including the costs and expenses of providing for the care and safety of such property.

Persons claiming lien may bring action of assumpsit.

Action, when commenced.

Proceedings manner of.

Sec. 4. If the owner of such logs, timber and [or] lumber, cannot be ascertained, or is without the jurisdiction of the court, the proceeding to ascertain and determine the amount of such lien may be against the property, and commenced by filing the

Proceedings when owner is unknown.

petition of the person, company or corporation claiming such lien, in the proper court, which shall contain a statement of the nature and amount of the claim, and a description of the property seized, and that the owner of such property is unknown, or is without the jurisdiction of the court, and praying for a judgment against such property, for the amount of such claim, which petition shall be verified by the oath of the party filing the same, his agent or attorney; the plaintiff shall thereupon, and before any trial shall be had, or judgment rendered in such proceeding, cause a notice to be published for four successive weeks, at least once in each week, in some newspaper printed and circulated in such county, or if none is printed and circulated in such county, then in such other newspaper published in this State as such court shall direct, which notice shall state the title of the court, the name of the plaintiff, the name of the owner of the property taken, if known, the nature and amount of the claim, and a description of the property upon which the lien is sought to be enforced.

Plaintiff to publish notice. The owner of such property shall have the right to appear and defend in such proceeding, at any time before judgment, upon such terms as the court shall direct; and in case of his appearance, an issue shall thereupon be formed, as in actions of assumpsit, and all subsequent proceedings in such case shall be in accordance with the practice of such court in actions of assumpsit. If the owner shall fail to appear in such proceeding, the court may proceed *ex parte* to hear, try and determine the facts alleged in such petition, and render such judgment thereon as justice may require. If judgment shall be rendered in favor of such plaintiff, the court shall thereupon order that the property covered by such lien, or so much thereof as may be necessary, be sold to satisfy the amount of such judgment, with costs.

Contents of notice.

Owner may defend in such proceedings.

If owner fail to appear, court may proceed *ex parte*.

Sale of property.

Penalty for obstructing streams

Sec. 5. Every person who shall willfully dam up any rivers, creeks or streams, in this State, or obstruct the navigation thereof, except for the purpose of milling, or the use of machinery, with intent to hinder or obstruct any person in the

use thereof, as provided in this act, or who shall willfully cut, untie, loosen, or cast off any rope, chain, pole, timber or pile, or other fastening, by which any boom containing any logs or timber shall be secured, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail of the proper county not exceeding sixty days, or by a fine not exceeding one hundred dollars, or both, at the discretion of the court before whom he is tried.

Sec. 6. Any person injured by any obstruction or injury to a boom, as provided in the foregoing section, shall be entitled to recover his damages of the person or persons causing such injury or obstructions, in an action of trespass. Recovery of damages.

Sec. 7. It shall be lawful for any person or persons having logs or timber in any stream navigable for licensed water-craft, to boom such logs or timber along the shore, and to secure the booms by means of piles driven in the stream, or by chains, ropes, timbers or traverse poles, made fast at points along the shore: *Provided*, That there shall be at all times sufficient channel left clear to allow of navigation by any craft or rafts usually navigating such streams. Booming of logs, etc., on navigable streams.

Approved March 20, 1868.

[No. 222.]

AN ACT to provide for the use and expenditure of school moneys in certain school districts having a surplus of money from the two mill tax.

SECTION 1. *The People of the State of Michigan enact*, That the qualified voters in any school district having a surplus of money arising from the two mill tax, and unexpended, when assembled at any annual or special school meeting called in accordance with existing provisions of law therefor, shall have power to appropriate and use any such surplus money for any of the following purposes, to-wit: Appropriation of school money by voters.

Purposes. *First.* For purchasing or enlarging school lot or lots;
Second. For building or repairing school-houses;
Third. For purchasing books for district library, maps and other school apparatus, or any incidental expenses of the school: *Provided, however,* That a school be maintained in each of said school districts at least eight months in each year: *And provided further,* That no money arising from the primary school fund shall be appropriated to any other purposes than that of paying teachers in any such school district.

Approved March 20, 1868.

[No. 223.]

AN ACT to provide for the weight per bushel, of certain grain, dried fruit, coal, vegetables and products.

SECTION 1. *The People of the State of Michigan enact,* That Weight per bushel of grain, etc. whenever wheat, rye, shelled corn, corn on the cob, corn meal, oats, buckwheat, beans, clover seed, timothy seed, flax seed, hemp seed, millet seed, blue grass seed, red top seed, barley, dried apples, dried peaches, potatoes, potatoes (sweet), onions, turnips, peas, cranberries, dried plums, castor beans, salt, mineral coal, Hungarian grass seed, orchard grass seed, osage orange seed, shall be sold by the bushel, and no special agreement as to the measure or weight thereof shall be made by the parties, the measure thereof shall be ascertained by weight, and shall be computed as follows, *viz:*

Sixty pounds for a bushel of wheat;
 Fifty-six pounds for a bushel of rye;
 Fifty-six pounds for a bushel of shelled corn;
 Seventy pounds for a bushel of corn on the cob;
 Fifty pounds for a bushel of corn meal;
 Thirty-two pounds for a bushel of oats;
 Forty-eight pounds for a bushel of buckwheat;
 Sixty pounds for a bushel of beans;
 Sixty pounds for a bushel of clover seed;
 Forty-five pounds for a bushel of timothy seed;

Fifty-six pounds for a bushel of flax seed;
 Forty-four pounds for a bushel of hemp seed;
 Fifty pounds for a bushel of millet or Hungarian grass seed;
 Fourteen pounds for a bushel of blue grass seed;
 Fourteen pounds for a bushel of red top seed;
 Forty-eight pounds for a bushel of barley;
 Twenty-two pounds for a bushel of dried apples;
 Twenty-eight pounds for a bushel of dried peaches;
 Sixty pounds for a bushel of potatoes;
 Fifty-six pounds for a bushel of sweet potatoes;
 Fifty-four pounds for a bushel of onions;
 Fifty-eight pounds for a bushel of turnips;
 Sixty pounds for a bushel of peas;
 Forty pounds for a bushel of cranberries;
 Twenty-eight pounds for a bushel of dried plums;
 Forty-six pounds for a bushel of castor beans;
 Fifty-six pounds for a bushel of Michigan salt;
 Eighty pounds for a bushel of mineral coal;
 Fourteen pounds for a bushel of orchard grass seed;
 Thirty-three pounds for a bushel of osage orange seed.

Sec. 2. All acts or parts of acts, contravening the provisions of this act, are hereby repealed.

Approved March 20, 1863.

[No. 224.]

AN ACT to amend an act entitled "an act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches," being act number [one hundred and] seventeen of the session laws of eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact, That* section seven of "an act to provide for the drainage and reclama- Section amended. tion of swamp lands by means of State roads and ditches," being act number [one hundred and] seventeen of session laws of eighteen hundred and fifty-nine, be amended so as to read as follows:

Notice of
letting con-
tracts.

Sec. 7. Contracts shall not be let for work upon any of said roads until thirty days public notice of the time and place of letting shall have been given in some newspaper published in the county in which such letting is to take place, if a newspaper be published in such county, and also in a paper in Lansing, and be posted up in at least twenty of the most public places in the county in which such letting is to take place. Every

Contracts to
be in writ-
ting.
When valid.

contract shall be in writing, and shall not be valid, if payable in money, until a copy of the same, accompanied by a survey of the portion of the road to be constructed under the same, has

Where filed.

been filed in the office of the State Treasurer; and if payable in land, in the office of the Commissioner of the State Land Office; and if payable in land and money, in both of said offices. Upon the receipt of any contract for work upon any of the said roads, it shall be the duty of the State Treasurer, or the Commissioner of the State Land Office, as the case may be, to lay the same

Approval of
by Gover-
nor.

before the Governor for his approval, and if approved, such approval shall be endorsed upon the contract, and the same shall thereupon become valid, and be placed on file, as hereinbefore provided; if the Governor do not approve such contract, he shall endorse his disapproval thereon, whereupon the same shall be void, and be immediately returned to the commissioner from whom it was received. Such contracts shall, in all cases, be let to the lowest responsible bidder for such work, and good security, in the discretion of the Governor, shall be given for the faithful performance of such work.

Security.

Sec. 2. This act shall take immediate effect.

Approved March 20, 1863.

[No. 225.]

AN ACT to amend an act entitled "an act to incorporate the city of Marshall," approved February fourteenth, eighteen hundred fifty-nine.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of said act to incorporate the city of Marshall, be and the same is hereby amended so that it shall read as follows:

Sec. 3. The following officers shall be elected from among the ^{Officers to be elected.} electors of said city, to wit: one mayor, one recorder, who shall be an *ex officio* school inspector and city clerk, one treasurer, two school inspectors, two directors of the poor, and four justices of the peace, who shall be elected in the following manner, to wit: the mayor, recorder and treasurer shall be elected annually, and shall hold their offices one year, and until their successors shall be elected and qualified. There shall also be elected annually one school inspector and one director of the poor for the term of two years, and until their successors shall be elected and qualified: *Provided*, That immediately after ^{Provide.} said first election the common council shall meet and determine, by lot, which of the school inspectors and which of the directors of the poor shall serve for one year, and which for two years. There shall also be elected annually one justice of ^{Justices of the peace.} the peace, whose term of office shall commence on the first Monday of April next after his election, and who shall hold his office for four years: *Provided*, That at the first election under this act there shall be elected four justices of the peace, one for the term of one year, one for the term of two years, one for the term of three years and one for the term of four years, who shall enter upon the duties of their office immediately after their qualification, and shall hold the same till their successors are elected and qualified, and the term for which each person is voted for is intended shall be designated on the ballot.

Sec. 2. That section five of said act be and the same is hereby amended so that it shall read as follows:

Sec. 5. It shall be the duty of the justices of the peace of ^{Justices to keep their office in the city.} said city to keep their offices in said city, and attend to all complaints of a criminal nature which may properly come before them; and they shall receive for their services, when engaged in cases for violation of the ordinances of said city, such fees as the common council shall, by ordinance, prescribe; and the mayor and recorder of said city, or either of them, are ^{Mayor and recorder, judicial powers of.} hereby empowered summarily to hear, try and determine all offences against the by-laws and ordinances of said city under

the regulations prescribed in this charter for such trials, and in like manner as before said justices of the peace; and in such cases the city shall not be taxed for any fees or expenses for such services.

Sec. 3. That section seven be and the same is hereby amended so as to read as follows:

**Aldermen,
term of of-
fice of.**

Sec. 7. *Provided*, That at the first election three aldermen shall be elected in each ward, one for the term of one year, and one for the term of two years, and one for the term of three years, and the term for which each person is intended shall be designated on the ballot. The annual elections under this act,

**Annual elec-
tions.**

Notice of.

after the year eighteen hundred sixty-three, shall be held at such times as are or shall be provided by law for the election of township officers, and at such places in each of the several wards as the common council shall designate, notice of which shall be given by the recorder at least eight days before the election, by posting the same in three public places in each ward and by publication in all the weekly newspapers published in said city; the aldermen of each ward shall be the

**Inspectors
of elections.**

inspectors of such elections, and they shall also be inspectors of the State, district and county elections. The said inspectors shall, before opening the polls at any election, appoint one of their own number chairman of such board of inspectors; they shall also appoint some person to act as clerk of said election; and in case of the absence of one or more of such inspectors, the electors present may choose, *viuz voce*, from their number, one or more to fill such vacancy or vacancies, to whom and to such clerk shall be administered the constitutional oath, by either of said inspectors or by any justice of the peace of said city. The manner of conducting all elections, and canvassing the votes, and the qualifications of electors in the several wards, shall be the same as in townships, the word "ward" instead of "township" being used in the oath to be administered to an elector in case his vote shall be challenged, and also, in the making of all certificates or statements of and concerning such electors: *Provided*, That at such charter elections the said ward

**Manner of
conducting
elections.**

inspectors shall make one certificate of the number of votes ^{Certificate of election.} given for each person for the several offices to be filled in said city, and also one certificate of the officers elected in and for their respective wards, which certificate shall be, within twenty-four hours, filed in the office of the recorder of said city, and upon the Thursday next following the day of such election the common council shall meet at the office of the recorder of said city, and thereupon determine who, by the greatest number of votes given in the several wards, are duly elected to fill the respective city offices; and it shall be the duty of the said ^{Notice to persons elected.} recorder, immediately after such determination, to cause notice to be given to each of the persons elected of their election, and each of said officers so elected and notified shall, within ten days thereafter, take and subscribe the constitutional oath ^{Oath.} of office before any person authorized to administer oaths, and shall deliver the same to the said recorder, who shall file the same in his office: *Provided*, That in case of the election of one ^{Provide.} or more justices of the peace, the said recorder shall make a certificate thereof, and cause it to be delivered to the clerk of the said county of Calhoun, in the same manner as is required of township clerks; and in case two or more shall receive for ^{The.} the same city office an equal number and a plurality of votes given at such election, the common council shall immediately proceed to determine, by lot, between the persons so receiving the highest number of votes, which shall be considered elected to such city office; and in case two or more persons shall receive for the same ward office an equal number and a plurality of votes given at such election, the said board of ward inspectors shall, immediately after such election, proceed to determine, by lot, between the persons receiving the highest number of votes, which shall be considered elected to such office; and in case any of the officers so elected and notified shall ^{Office to be vacant on neglect to qualify.} neglect, for the term of ten days, to qualify as aforesaid, or to give such security as the provisions of this act, or the by-laws or ordinances of the common council of said city shall require, the office shall thereby become vacant.

Sec. 4. That section eight of the said charter be and the same is hereby amended so as to read as follows, viz:

Common
council to
appoint
certain off-
cers.

Sec. 8. The common council shall have power to appoint an attorney for the city, a marshal, who shall be *ex officio* street commissioner, a chief engineer for the fire department, one or more deputy street commissioners, and such other officers whose election is not herein specifically provided for, as they may deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure; they shall

Removals.

also have power to remove the marshal or treasurer, for any violation of the provisions of this act, or any by-laws or ordinances, or for refusing to perform the lawful requirements

Vacancies.

of said common council; and in case of the death, resignation, or removal from office, or neglect to qualify or perform the duties of his office, or removal from the city, or from the ward from which he was elected to any office of the corporation, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of his term of office, and all officers so appointed shall be notified and qualified as herein directed: *Provided*, That the common council may, at any time, order a special election to fill vacancies in any office which is elective under this act, in which case the common council shall designate the time and place for holding such special election, and the same notice shall be given as at an annual election, stating the office or offices to be filled, and any person so elected shall serve for the remainder of the term of such office.

Special
elections.

Sec. 5. That section eleven of the said charter be and the same is hereby amended so as to read as follows, viz:

Common
council.

Sec. 11. The mayor, recorder and aldermen, when assembled together and duly organized, shall constitute the common council of the city of Marshall, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn the council from time to time; and said common council shall meet at such times as they shall determine, and at such other times as the

Quorum.

mayor, or, in case of his sickness or absence, the recorder may appoint; and the common council shall have power to impose, Fines for non attendance. levy, and collect such fines as they may deem proper for the non-attendance of the members and officers thereof at such meetings, and also to require the attendance of any officer of said city, and to impose fines for non-attendance. It shall be Duty of mayor and recorder. the duty of the mayor to preside at all meetings of the common council, and it shall also be the duty of the recorder to attend all such meetings, and to keep a fair and accurate report of their proceedings. In case the mayor shall be absent the recorder shall preside, and in the absence of both mayor and recorder, the council shall appoint one of their number to preside at such meeting, and in case of the absence or disability of the recorder, the council may appoint one of their number to act in his place until such disability is removed, or another shall be elected in his place.

Sec. 6. That section-forty-five of said charter be so amended as to read as follows:

Sec. 45. The recorder, marshal, deputy street commissioner, Compensation of officers. and all other officers of said city, shall receive such compensation for their services as the common council may, by ordinance, provide, unless the same is fixed by the provisions of this act.

Sec. 7. That a new section, to stand as section fifty-six of said charter, be added thereto, and to read as follows:

Sec. 56. The common council may require from the district Annual report of district board. board of district number one, an annual report of the condition of the public schools, and for neglect or refusal to furnish the same, the officers of said district shall be liable to like penalty as other district officers in such cases.

Sec. 8. This act shall take immediate effect.

Approved March 20, 1863.

[No. 226.]

AN ACT to provide for the improvement of the Detroit and Grand river road.

SECTION 1. *The People of the State of Michigan enact,* That all the non-resident highway taxes which shall be assessed for the year A. D. eighteen hundred and sixty-three, eighteen hundred and sixty-four, and eighteen hundred and sixty-five, upon the non-resident lands within two miles on each side of said road leading from the city of Lansing, in Ingham county, to the west line of section twenty-seven, in Watertown, Clinton county, be and the same are hereby appropriated for the improvement of said Detroit and Grand river road, to be expended as hereinafter provided.

Appropriation of highway taxes.

Sec. 2. That when any non-resident wishes to commute his road tax on said road, hereafter to be assessed, his labor shall be expended on said road, and the special commissioner appointed by this act shall direct when, where and how the labor shall be expended.

Non-resident taxes, how expended.

Sec. 3. That Jason Nichols, of Clinton county, be and he is hereby appointed special commissioner to disburse the moneys to be received for said highway taxes, and shall have power to let or contract any job of work upon said road, first giving public notice thereof, by posting up notices in three or five of the most public places within the several townships through which said road passes, which said notices shall be posted at least ten days before the time of letting such jobs or contracts, and shall state where the work is to be performed, the time limited for the performance, the time when, and the place where the jobs will be let to the lowest bidder, who shall give bonds, with one or more sufficient sureties, to the special commissioner, for the faithful performance of his contract.

Commissioner.

Sec. 4. It shall be the duty of said special commissioner to make out a correct list of all the non-resident lands designated by the first section of this act, and file the same with the treasurers of the respective counties wherein those lands are located; and it shall be the duty of the county treasurer to withhold

from the several township treasurers the moneys accruing on such non-resident lands, and pay over the same to the said special commissioner.

Sec. 5. It shall be the duty of said special commissioner to ^{Report of} render to the board of supervisors of each county, at their an- ^{commis-} nual session, a true account of the application and disbursement ^{sioner.} of all moneys he may have received each year.

Sec. 6. Before said special commissioner shall enter upon the oath duties of his office, he shall take the constitutional oath, and file the same with the clerks of the respective counties; and before he shall draw any moneys from the county treasury, he shall give a bond to the treasurers of the respective counties, ^{Bond.} with one or more sufficient sureties, in double the amount of the non-resident highway taxes which may come into his hands under the provisions of this act, conditioned for the faithful performance of the duties under the provisions of this act, and in default thereof, it shall be the duty of said treasurers to prosecute said bond in the same manner as bonds are prosecuted against the county officers.

Sec. 7. Said special commissioner shall receive as a compen- ^{Compensa-} sation, one dollar and fifty cents per day when actually engaged ^{tions.} in his appropriate duties, which amount shall be audited and allowed by the board of supervisors of each county where his services has been rendered, and said board of supervisors may require his account to be certified by affidavit.

Sec. 8. In case the said commissioner shall neglect or refuse ^{Vacancies,} to take and file the oath of office required by this act, within ^{how filled.} sixty days after the passage of this act, such neglect shall be deemed a vacancy, and all vacancies shall be filled by the Governor appointing said special commissioner, and any person so appointed shall take and file the oath and bond, as aforesaid.

Approved March 20, 1863.

[No. 227.]

AN ACT to amend sections one, two, four, five, six and nine, chapter one hundred and thirty-nine, of the revised statutes of eighteen hundred and forty-six, being sections five thousand three hundred and fifty, five thousand three hundred and fifty-one, five thousand three hundred and fifty-three, five thousand three hundred and fifty-four, five thousand three hundred and fifty-five, and five thousand three hundred and fifty-eight, of the compiled laws, touching the limitation of actions relating to real property.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections five thousand three hundred and fifty, five thousand three hundred and fifty-one, five thousand three hundred and fifty-three, five thousand three hundred and fifty-four, five thousand three hundred and fifty-five, and five thousand three hundred and fifty-eight, of the compiled laws, the same being sections one, two, four, five, six and nine, of chapter one hundred and thirty-nine, of the revised statutes of one thousand eight hundred and forty-six, be and the same are hereby severally amended so that said sections shall read as follows:

Actions for
the recovery
of land;
when to be
brought.

(5850.) Sec. 1. That after the thirty-first day of December, in the year of our Lord eighteen hundred and sixty-three, no person shall bring or maintain any action for the recovery of any lands, or the possession thereof, or make any entry thereupon, unless such action is commenced, or entry made, within the time herein limited therefor, after the right to make such entry, or to bring such action, shall have first accrued to the plaintiff, or to some person through whom he claims, to wit:

First. Within five years, where the defendant claims title to the land in question, by or through some deed made upon a sale thereof by an executor, administrator or guardian, or by a sheriff, or other proper ministerial officer, under the order, judgment, decree or process of a court, or legal tribunal of competent jurisdiction within this State;

Second. Within ten years, where the defendant claims title under a deed made by some officer of this State, or of the United States, authorized to make deeds upon the sale of lands for taxes assessed and levied within this State;

Third. Within fifteen years in all other cases.

(5351.) Sec. 2. If such right or title first accrued to an ancestor, predecessor, or grantor of the person who brings the action, or makes the entry, or to any other person from or under whom he claims, the said above periods of limitation shall be computed from the time when the right or title so first accrued to said ancestor, predecessor, grantor or other person.

(5353.) Sec. 4. In every action for the recovery of real estate, or the possession thereof, the person establishing the legal title to the premises shall be presumed to have been possessed thereof, within the time limited by law for bringing such action, unless it shall appear that the same have been possessed adversely to such legal title by the defendant, or by those from or under whom he claims.

(5354.) Sec. 5. If at the time when any right of entry, or of action, as aforesaid, shall first accrue or have accrued, the person entitled to such entry or action shall be, or shall have been, within the age of twenty-one years, or a married woman, insane, or imprisoned, or absent from the United States, unless within one of the British Provinces of North America, such person, or any one claiming from, by or under him, may make such entry, or bring such action, at any time within five years after such disability shall be or shall have been removed, although the time limited therefor in the first section of this chapter may have expired.

(5355.) Sec. 6. If the person first entitled to make such entry, or bring such action, shall die, or shall have died during the continuance of any of the disabilities mentioned in the preceding section, and no determination or judgment shall have been had of or upon the title, right or action, which accrued to him, the entry may be made, or action brought, by his heirs, or any one claiming under him, at any time within five years after his death, although the time limited therefor in the first section of this chapter may have expired.

(5358.) Sec. 9. When any right of action or of entry shall have accrued before the time when these amendments shall

Rights ac- take effect as law, the same shall be governed by this chapter
quired be- as amended: *Provided*, That no entry shall be made, or action
fore this maintained, in any case where such right of action shall
Section already have become barred by any law now or hereafter in force
takes effect. in the territory of the State of Michigan: *And provided further*,
Actions That all actions commenced and pending when these amend-
commenced ments shall become a law shall not be affected thereby, but
 shall be governed by the law in force touching the same at the
 time of the commencement thereof.

Sec. 2. This act shall take effect on the first day of January, in
 the year of our Lord one thousand eight hundred and sixty-
 four.

Approved March 20, 1863.

[No. 228.]

AN ACT to amend sections 10, 13, 19, 20, 21, 22 and 23, of
 chapter 79, of the revised statutes of 1846, being chapter 103
 of the compiled laws, entitled "of the sale of real estate on
 executions."

Section **amended.** **SECTION I.** *The People of the State of Michigan enact*, That sec-
 tion ten, of chapter one hundred and three, of the compiled
 laws, be amended so as to read as follows:

Certificates **of sale.** **Sec. 10.** Upon the sale of any real estate by virtue of an exe-
 cution, the officer making the same shall make and subscribe
 as many certificates as may be necessary, of such sale, con-
 taining—

Contents of. *First.* A particular description of the premises sold;
Second. The price bid for each distinct lot or parcel sold;
Third. The consideration money paid for each lot or parcel;
 and,
Fourth. The time when such sale shall become absolute, and
 the purchaser or purchasers will be entitled to a deed, as here-
 inafter provided, and shall endorse on each of said certificates
 the rate of interest borne by the judgment upon which said
 execution issued.

Sec. 2. That section thirteen of said chapter be amended so as to read as follows:

Sec. 18. Within one year from the time when such sale shall have been made, the real estate so sold, or any distinct lot, tract or portion that may have been separately sold, may be redeemed by payment to the purchaser, his personal representatives or assigns, or to the officer who made such sale, or to the register of deeds in whose office such certificate is filed, for the use of such purchaser, of the sum of money which was bid on the sale of such lot or tract, together with the interest on that sum from the time of sale, computed at the rate per cent. per annum borne by the judgment under which such sale was made.

When and how lands may be redeemed.

Sec. 3. That section nineteen of said chapter be amended so as to read as follows:

Sec. 19. Any creditor of the person against whom such execution issued, having in his own name, or as assignee, representative, trustee or otherwise, a decree in chancery, or a judgment at law, under which execution shall have been issued and levied upon the real estate so sold, or a decree which shall be a lien without execution and levy, at any time before the expiration of fifteen months from the time of such sale, by paying the sum of money which was paid on the sale of such premises, together with the interest thereon, computed at the rate borne by the judgment under which such sale was made, from the time of such sale, shall thereby acquire all the rights of the original purchaser, subject to be defeated in the manner hereinafter mentioned.

By whom rights of purchaser may be acquired.

Sec. 4. Section twenty of said act is hereby amended so as to read as follows:

Sec. 20. If the execution so levied as contemplated in the last section, or such decree be a lien upon any lot, tract or parcel that shall have been separately sold, the creditor having the same by paying, as before provided, the sum which shall have been bid for such lot, tract or parcel, with interest as above mentioned, shall thereby acquire all the rights of the original

By creditor having lien on single lot

purchaser to such lot, tract or parcel, subject to be defeated as hereinafter provided:

Sec. 5. Section twenty-one of said act is hereby amended so as to read as follows:

On part of
lot.

Sec. 21. If the execution so levied, or such decree, be a lien only on a specific portion of a lot, tract or parcel so sold, the creditor having the same may acquire the title of the purchaser to the whole of such lot, tract or parcel, in the same manner as if such lien extended to the whole.

Sec. 6. Section twenty-two of said act is hereby amended so as to read as follows:

On undivided
interest.

Sec. 22. Any such creditor having such decree or execution so levied, which is a lien upon any undivided share or interest in any real estate sold under execution, may, within the same time, on the same terms, and in the same manner, acquire the title of the original purchaser to such share or interest by paying such part of the whole purchase money of such real estate as shall be in a just proportion to such share or interest.

Sec. 7. That section twenty-three of said chapter be amended so as to read as follows:

Terms of
purchase by
other cred-
itors.

Sec. 23. Whenever any such creditor shall have acquired the title of the original purchaser, pursuant to the foregoing provisions, any other creditor who might have acquired such title according to such provisions may become a purchaser thereof from the first creditor who acquired the same, upon the following conditions:

First. By reimbursing to such first creditor, his personal representatives or assigns, the sum which may have been paid by him to acquire such title, together with interest thereon, computed as hereinbefore provided, from the time of such payment to the time of such reimbursement;

Second. If the levy under the execution or decree, by virtue of which the first creditor acquired the title of the original purchaser, be prior to the levy or decree of such second creditor, then such second creditor shall also pay to such first creditor the amount due on his judgment or decree;

Third. But if such levy under the execution or the decree of the first creditor, at the time of his acquiring the title of the original purchaser, shall have ceased to be a lien as against such second creditor, it shall not be necessary to pay the amount thereof.

Approved March 20, 1863.

[No. 229.]

AN ACT supplementary to an act entitled "an act to provide for the incorporation of railroad companies," approved February twelfth, eighteen hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact*, That any railroad company formed according to the provisions of the act entitled "an act to provide for the incorporation of railroad companies," approved February twelfth, eighteen hundred and fifty-five, or acts amendatory thereof, may, by a vote, or by written consent of two-thirds of its stockholders, amend its original articles of association in any manner they may deem proper, as provided for in the second section of the act aforesaid. Such amendments shall be attested, under the seal of the company, by the president and secretary, setting forth the fact of their adoption by a vote or by written consent of two-thirds of all the stockholders, and appending thereto their names, residence and number of shares represented respectively, which, when filed with the Secretary of State, shall have the same effect and to the same extent as original articles of association, and superseding, in point of difference, articles of association and amendments thereto of prior date.

Companies may amend their articles of association.

How executed.

Where filed.

SEC. 2. In cases of vacancies occurring, by resignation or otherwise, in the number of directors named in the articles of association, or the amendments thereto, a quorum of the board shall have power to fill such vacancies, by appointment of stockholders, who shall continue as directors until the next annual or special meeting of stockholders for the election of directors.

Vacancies of directors how filled.

Company
may mort-
gage its
road.

Sec. 8. Whenever any railroad company shall have constructed any portion of the road named in its articles of association, the said company may mortgage such portion, together with the franchises and superstructure thereof, and with or without the rolling stock, furniture and equipment belonging thereto, for the purpose of raising means to pay the indebtedness of such company, and to construct any other portion of such road, without including in any such mortgage, or thereby affecting any other portion of said road, or the franchises appertaining thereto, except as expressly professed to be covered by such mortgage.

Directors
may sell or
pledge
stocks.

Sec. 4. The directors of any railroad, as aforesaid, may sell or dispose of, or pledge unsubscribed shares of the capital stock, in payment of real estate purchased for the use of the road, or for contract work upon it, or for other valuable consideration to the company, in lieu of money or of bonds.

Certificates
of full paid
stock.

The certificate of the secretary and treasurer of the company, attested by its seal, that certain shares of stocks, described therein by the number of the certificate value, and number of shares, had been, by order of the directors of the company, issued to the parties named as full paid stock, shall be proper proof of the fact; and such certificates from the company shall be rendered in the annual report of the State Treasurer, and the specific tax paid thereon according to law.

Sec. 5. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Approved March 20, 1863.

[No. 230.]

AN ACT to stay the forfeiture of recognizances in certain cases.

Recogni-
ances to be
extended in
certain
cases.

SECTION 1. *The People of the State of Michigan enact*, That whenever it shall appear to any court in this State that a person charged with any crime or offence, who has entered into a recognizance to appear before such court and answer thereto, has enlisted in the service of the State of Michigan, or of the United

States, as an officer or soldier in the war now pending, and is actually engaged in such service, it shall be the duty of said court, on the application of the bail or sureties in any such recognizance, made in person in open court, to continue said criminal cause, and extend said recognizance, from term to term, during the existence of the present war, unless such person shall be sooner discharged from the army, or until the person so charged with crime, as aforesaid, has been legally discharged from his enlistment and service in the service of the State of Michigan, or of the United States, as aforesaid; and said continuance and extension shall not, in any manner, discharge or release the bail or sureties of the person so charged with such crime or offence, as aforesaid, from any liability on their said recognizance.

Sec. 2. This act shall take immediate effect.

Approved March 20, 1863.

[No. 231.]

AN ACT to amend an act entitled "an act to authorize proceedings by garnishment in the circuit courts and in the district court of the Upper Peninsula," approved March sixteenth, eighteen hundred sixty-one.

SECTION 1. *The People of the State of Michigan enact*, That section one of said act be and the same is hereby amended so as Section amended. to read as follows:

SECTION 1. *The People of the State of Michigan enact*, That in all When writ of garnishment may issue. personal actions arising upon contract, brought in the several circuit courts, or district court of the Upper Peninsula, or municipal courts of civil jurisdiction, whether commenced by summons, capias, declaration or writ of attachment of the plaintiff, his agent or attorney shall file with the clerk of the court at the time of or after the commencement of suit, an affidavit, stating that he has good reason to believe, and does believe, that any person (naming him) has property, money, goods, chattels, credits and effects in his hands, or under his contr.

Contents
and service
of writ.

belonging to the defendant, or that such person is in any way indebted to the principal defendant, whether such indebtedness be due or not; that the principal defendant (naming him) is justly indebted to the plaintiff in a given amount, over and above all legal set-offs, and that the plaintiff is justly apprehensive of the loss of the same, unless a writ of garnishment issue to the aforesaid person; a copy of the writ or declaration, and affidavit, shall be attached to a writ of garnishment to be issued, sealed, tested and personally served in the same manner as writs of summons, and directed to the sheriff, reciting the commencement of suit against the principal defendant and the filing of the affidavit, (with a reference to the copies attached,) and thereupon commanding said sheriff to warn and garnish such person to appear before said court on a day named, not less than fourteen days from the date of issuing the same, to make disclosure, in writing, under his oath, to be filed with the clerk of said court, touching his liability as garnishee of the principal defendant, (naming him,) as charged in said affidavit, and thenceforth to pay no money and deliver no property to the principal defendant, (naming him,) and of said writ to make due return.

Sec. 2. Section two of said act is hereby amended so as to read as follows:

On return of
writ, writ
to be en-
tered, and
garnishee
deemed
liable to
plaintiff.

Sec. 2. On the return of such writ of garnishment duly served, powers of garnishment in the original suit shall be entered, as commenced, against the person summoned, (naming him,) as garnishee; and from the time of the service of such writ, the garnishee shall be deemed liable to the plaintiff to the amount of the property, money, goods, chattels and effects in his control, belonging to the principal defendant, or of any debts due or to become due from such garnishee to the principal defendant, or of any judgment in favor of the latter against the former.

Sec. 3. Section three of said act is hereby amended so as to read as follows:

Sec. 3. Unless the plaintiff in such action shall, within five days after the filing of the disclosure of the garnishee with the

clerk of the court, file exceptions, or special interrogatories thereto, or both, such disclosure shall be deemed sufficient, unless the plaintiff shall, upon application and proper notice, as on ordinary motions in a cause, show to the court, by affidavit, a sufficient excuse for failure so to do, and obtain an order for the personal examination of such garnishee before the judge of the court or circuit court commissioner.

When exceptions are not filed disclosure to be deemed sufficient

Sec. 4. Section four of said act is hereby amended so as to read as follows:

Sec. 4. If exceptions, or special interrogatories, or both, shall be filed to such disclosure, as aforesaid, the garnishee, or his attorney in such action, shall be served with a copy of the same, together with a notice from the plaintiff, or his attorney, to appear before the judge or circuit court commissioner at a time and place to be named, not less than three nor more than ten days thereafter, (which time may be enlarged by the judge or commissioner on special cause shown,) and submit to an examination, on oath, concerning the matter excepted to, which copy shall be served, and such service be proven, in the same manner as in case of service of a declaration; and if such garnishee shall fail to appear at the time and place appointed, or appearing shall decline to answer the matter of exceptions, the judge or commissioner, upon summary hearing thereof, shall determine the validity of such exceptions, or the propriety of such special interrogations, and make an order either that the garnishee submit to answer the same in whole or in part, on oath, before such judge, either forthwith, or at some other suitable time within ten days thereafter, at the discretion of such judge or commissioner, or that said exception or interrogatories be overruled in whole or in part. The testimony or statement made on such personal examination shall be reduced to writing by the commissioner or judge, and signed by the garnishee, and filed with the clerk of the court, and shall be deemed a part of the disclosure of such garnishee.

Garnishee to be served with copy of exceptions and notice.

Service, how proven

Judge to determine the validity of exceptions in certain cases.

Testimony to be reduced to writing.

Sec. 5. Section five of said act is hereby amended so as to read as follows:

On non-ap-
pearance of
defendant, if
default may
be entered.

Judgment
and execu-
tion.

Sec. 5. If such garnishee does not appear and file his disclosure with the clerk of the court as aforesaid, on or before the return day of such writ, or if the time for so doing be enlarged, as hereinafter provided, then at the expiration of such enlarged period, the default of such garnishee, for want of appearance and disclosure, may be entered in the common rule book, as in other personal actions, and the time made absolute, as in other personal actions; and in case of final recovery against the principal defendant in the circuit or supreme court, judgment shall be rendered and execution issued against such garnishee, his goods and chattels, lands and tenements, for such amount as the plaintiff shall recover against the principal defendant; and the default may be set aside by the court upon such terms as the court shall impose.

Sec. 6. Section six of said act is hereby amended so as to read as follows:

Continuance
granted.

Sec. 6. A circuit court commissioner of the county where such proceedings shall be commenced, or the circuit judge, may, for proper cause shown, by affidavit of any credible person, make an order enlarging the time for the garnishee to file his disclosure, and such order shall be filed with the clerk of the court, and a copy thereof served on the plaintiff in the action, or his attorney; but such time shall not be enlarged more than three times, nor enlarged, except by assent, beyond the day previous to the first day of the term at which the suit against the principal debtor may be properly returned noticed for trial.

Sec. 7. Section seven of said act is hereby repealed.

Sec. 8. Said act is hereby further amended by adding a new section thereto, to stand as section forty-nine, as follows:

Discontinu-
ance of pro-
ceedings.

Sec. 49. The principal defendant in any such action wherein process of garnishment shall be commenced, may, at any time after service of such process, and previous to the rendering of judgment thereon, file with the clerk of the court his bond, with at least two sufficient sureties, to the plaintiff, as obligee, in a penal sum equal to double the amount of the claim of the

plaintiff, as sworn to in the affidavit filed for the writ of garnishment, and with condition to pay any judgment obtained against the defendant or defendants in such action, and abide the order of the court therein, and which bond and the sureties hereof shall be previously approved by the judge of the court, or circuit court commissioner, on a notice of at least twenty-four hours, to the plaintiff or his attorney, of the time and place of presenting such bond for approval; and if neither the plaintiff nor his attorney shall reside within thirty miles of the place so named, such notice shall be a notice of at least two days, and at least one day shall be added to such notice for each additional thirty miles of distance; and such judge or commissioner shall examine the defendant and sureties, on oath, as to their sufficiency and responsibility, and may take such other evidence in relation thereto, in his discretion, as either party may offer. On filing such bond, so approved, with the clerk of the court, the proceedings in garnishment shall be thereby discontinued, and the costs thereof shall abide the event of the principal suit; and if the plaintiff shall recover judgment against the principal defendant, on application to the court, execution thereon may be ordered to issue against the sureties in such bond, as well as the defendant.

Approved March 20, 1863.

[No. 232.]

AN ACT to provide for the incorporation of water power companies.

SECTION 1. *The People of the State of Michigan enact, That any* number of persons, not less than five, may be formed into a corporation for the purpose of maintaining, repairing and improving any canal, with water power appurtenant thereto, constructed and used for the transmission of water and the creation of water power thereby for manufacturing uses, by complying with the following requirements: notice shall be given in at least one newspaper printed in the county in which the

Companies may be organized.

Requirements.

Articles of
association.

said canal may be situated, and if there be no newspaper printed in said county, then such notice shall be printed in some newspaper of an adjoining county having circulation in said county, of the time and place where all persons desirous of forming such company may meet, and subscribe articles of association, and elect directors of such company, in which articles of association shall be set forth the name of the company, the number of years the same is to be continued, which shall not exceed thirty years from the date of said articles, the number and names of the directors who shall manage the concerns of the company for the first year, and shall hold their offices until others are elected, the canal on which the business of said company is intended to be done, and the place within the State where the office of said company shall be kept.

Subscribers
to sign ar-
ticles.

Articles,
where filed.

Body cor-
porate.

Copy of ar-
ticles to be
evidence of
incorpora-
tion.

Board of
directors.

Sec. 2. Each subscriber to such articles of association shall subscribe thereto his name and place of residence. The said articles of association shall be filed in the office of the Secretary of State, and thereupon the persons who have so subscribed, and all persons who from time to time shall associate with them, shall be a body corporate, by the name specified in such articles, and as such shall be capable of suing and being sued in all courts, and in all manner of actions, and may have a common seal. A copy of any articles of association filed in pursuance of this section, with a copy of an affidavit, made by at least two of the directors named therein, setting forth that all prior proceedings of said association had been in strict conformity with all the provisions of this act, endorsed thereon or annexed thereto, and certified by the Secretary of State to be a true copy of the whole of such articles of association and of such affidavit, shall be in all courts and places presumptive evidence of the incorporation of such company and the facts therein stated.

Sec. 3. The business of said company shall be under the management and direction of a board of directors, composed of not less than three nor more than seven, who, after the first year, shall be elected annually, at such time and place, and

After such notice of the election as the by-laws shall prescribe, not less than thirty days previous to said election, and who shall hold their offices until their successors are elected. The Officers of said board shall elect from their number a president, and appoint a treasurer, who shall give such bond as the board of directors may require, and a secretary; and in case any vacancy shall occur in said board the remaining directors may elect any member of said company to fill such vacancy as director, for the remainder of the term, and until a successor is elected; and in case said annual election of directors, from any cause, shall not be held at the time appointed, it shall be proper to hold the same at any time thereafter, upon giving like notice.

Sec. 4. The said company shall keep posted in a conspicuous place in the office thereof, a list of the names of all the members thereof, with a statement, as complete as practicable, of the interest of each member in the water power created by the canal under the control of said association. List of members to be posted.

Sec. 5. When the canal, or any of its appurtenances, under the control of such association, may need to be repaired or rebuilt, the greater part in interest of the members of said association may cause the work to be done at the expense of the whole, in proportion to their respective interests, in the manner and after the proceedings hereinafter provided, to wit: Repairs of canal.

Sec. 6. Any one or more of the directors of said association may call a meeting of the members of said association, to be held at the office of said association, which meeting shall be called by a written or printed notice, signed by the director or directors calling it, and addressed to each of the said members, stating that the said canal, or its appurtenances, needs to be re-built or repaired, and that a meeting of the members of the said association will be held at the office aforesaid, on a certain day and at a certain hour mentioned in said notice, to consult upon measures to be taken for that purpose, and requesting the attendance of said members at such meeting. Meeting of members, how called.

Notice of
meeting,
by whom
served.

Sec. 7. The notice may be served by any constable or other disinterested person, and the certificate of said constable endorsed on the said notice, or the affidavit of such other person annexed thereto, specifying the person, or persons, if more than one, on whom he served it, and the time and manner of service on each, shall be deemed sufficient evidence thereof.

How served

Sec. 8. The notice shall be served on any member of the association by delivering a true copy thereof to him, or by leaving the same at his dwelling house, or at his last usual place of abode, not more than six nor less than one day before the day appointed for the meeting.

Powers of
meeting so
called.

Sec. 9. At a meeting so called, or at any adjournment thereof, the greater part in interest of the members of said association may take measures to cause the said canal, or any of its appurtenances, to be repaired or rebuilt, as they shall judge most for the interest of all who are interested in the water power created or furnished by said canal.

Expenses to
be paid
equally by
members.

Sec. 10. Every member of said association shall pay his just and equal part of the charge and expense of such repair or re-building, in proportion to his interest in the said water power, which sum shall be paid on demand, after the work is completed, to the treasurer of the board of directors of said association, with interest thereon from the time of its assessment, as hereinafter provided, or without interest if paid at the time of its assessment, or immediately upon notice of such assessment.

Interest
thereon.

Married wo-
men may be
represented
by their
husbands.

Sec. 11. When any member of said association may be a married woman, her husband may represent her in attending said meeting, and may vote and do all other acts in the premises which said married woman could do if present, and his doings shall have the same effect as if done by herself, actually present: *Provided, however,* That said married woman may, by authority, in writing, appoint some other person than said husband to attend said meeting, and to act therein for herself, and in such case the acts of such person shall bind the said married woman as though done by herself.

Proviso.

Sec. 12. After it shall have been determined by said meeting ^{Directors to fix the cost of repairs.} to rebuild or repair said canal, or any appurtenance thereof, the directors of said association shall proceed to ascertain and fix the cost of such repair or rebuilding, and for such purpose shall be authorized to employ an engineer and craftsman, if necessary, and shall assess said cost and the expense of the ^{Assessment of cost.} employment of said engineer or craftsman upon each member of the said association, in proportion to his interest in the water power created or furnished by said canal, and shall notify each of said members of his share of the said cost, in writing, which said writing shall state the whole of said cost and expense as estimated, and the share thereof to be paid by said member, and may be served in any manner established by the by-laws of said association.

Sec. 13. The said board of directors may thereupon proceed ^{Directors to contract for repairs.} to contract with a suitable person or persons for the performance of such work of repair or rebuilding, and may appoint one or more from their number as a committee to supervise and to accept said work when completed, and pay therefor, to said contractor or contractors, the stipulated price therefor.

Sec. 14. The treasurer of the said board shall receive from ^{Duty of treasurer.} the members of said association the sums assessed upon them respectively, and hold the same to be paid out on the order of the said board, certified to by the president thereof.

Sec. 15. All sums due from any member of said association, ^{Assessments may be recovered in action of assumpsit.} upon the assessment made as hereinbefore directed, if not paid at the time of or after the notice of said assessment, or at the completion of said work, with the interest hereinbefore required, may be recovered in an action of assumpsit, brought in the name of said treasurer, in any court of competent jurisdiction.

Sec. 16. Should the whole sum estimated and assessed as ^{Deficiency, how assessed and collected.} aforesaid, prove, by any unforeseen occurrence, insufficient to defray the estimated cost of such repair or rebuilding, as was determined on at the meeting of the members of the association, the board of directors shall proceed to assess the said deficiency upon the said members in proportion to their respec-

tive interests, and to notify each of said members of his share thereof, as hereinbefore provided, and the said members shall pay the said shares to the treasurer of the board of directors, as hereinbefore provided; and in default of such payment, the said treasurer of said board may bring suit therefor, as provided in section fifteen.

Surplus
funds, how
disposed of.

Sec. 17. Should there remain in the hands of the treasurer of said board, after the aforesaid assessment and collection, and the payment therefrom of the contractor employed by the said board to perform the work determined on by the members of the association, any sum of money raised by said assessment and not due to said contractor, the board of directors may expend therefrom such sum or sums as may be required to defray the incidental expenses of said association; and the said board of directors shall have authority to cause to be done, by their own vote, any repairs upon said canal and its appurtenances as shall not exceed the sum of fifty dollars, and pay therefor from the aforesaid surplus or residuum of money, without the call or vote of a meeting of the members of said association.

Collection of
assessments
from per-
sons not
members.

Sec. 18. After the completion of any work of repair or rebuilding determined on at a meeting of the members of the association, as hereinbefore provided for, the board of directors of such association shall have power to sue for and recover, in any court of competent jurisdiction, by an action of assumpsit, in the name of said association, from any owner of water power created or furnished by the canal and appurtenances thereof under the control of said association, who may not be a member of said association, such sum of money as would have been assessed upon the interest of said owner by the said board had the said owner been a member of said association.

Members at
annual
meeting
may dis-
pose of sur-
plus funds.

Sec. 19. At the annual meeting of the members of said association, held for the election of officers, pursuant to the by-laws thereof, the greater part of said members in interest may, by vote, make disposition of all funds shown by the report of the treasurer of the board of directors, to be made to said meeting, to be in his hands, and such funds shall be paid out,

as so voted, by said treasurer, upon the certificate of the president of said board.

Sec. 20. Said association shall have power, by its by-laws, to regulate the use of the water transmitted through the canal under its control by the several members thereof; to determine the absolute or average head of said water; for the measurement of the quantity to be used by the several members of said association in proportion to their interest in the water power furnished by said canal, and to provide for the maintenance, in good order, of all flumes, gate-ways and other structures built to draw water from said canal, and for the tightening, contracting or enlarging of the same according to the various stages of water in said canal, and in said by-laws to provide for the manner in which the aforesaid regulations shall be made, published and enforced. Powers of association.

Sec. 21. The stockholders of all corporations or associations formed under the provisions of this act shall be individually liable for all labor performed for such corporation or a ssociation Stockholders individually liable for labor performed.

Approved March 20, 1863.

[No. 233.]

AN ACT to provide for the improvement of a certain State road in the county of Ionia.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of improving the State road running from the village of Portland, in Ionia county, to the Grand River road, in Clinton county, all of the non-resident highway taxes that shall be assessed upon the non-resident lands, the half or more of any legal sub-division of which lies within two miles each way from the centre of said road, except the north-east fractional quarter of section thirty-four, in town six north, of range five west, be and the same are hereby appropriated for the improvement of such State road for the period of two years from the time this act shall take effect, to be expended as hereinafter provided. Appropriation of taxes

Commissioner.

Sec. 2. That George Davenport, of Danby, Ionia county, be and is hereby appointed special commissioner to superintend such sums of money as may from time to time be collected and received by him under the provisions of this act, and to direct and determine the manner in which the labor shall be applied for the improvement of said road.

Taxes received to be paid to Commissioner.

Sec. 3. Any overseer of highways in any township in which lies any of the lands the non-resident highway tax upon which is hereby appropriated, or any township treasurer thereof, having received any portion of said tax by way of commutation or otherwise, shall, on demand of such special commissioner, pay over to him any sums so received, and the receipt of such commissioner shall release such overseer or treasurer from any further liability therefor.

Report of Commissioner.

Sec. 4. It shall be the duty of said commissioner to render to the board of supervisors of Ionia county, at their annual session, a true account of the application and disbursement of all moneys he may have received during the term of this act.

Bond.

Sec. 5. Before the said special commissioner shall draw any money by virtue of this act, he shall give a bond to the county treasurer of the county of Ionia, with one or more sufficient sureties, to be approved by said county treasurer, and in such amount as said treasurer shall direct, conditioned for the faithful performance of the duties imposed upon him by this act, which bond shall be filed with the county clerk of said county of Ionia.

Compensation.

Sec. 6. Said special commissioner shall receive as compensation for his services, not exceeding one dollar and fifty cents per day, while actually engaged, which amount shall be audited and allowed by the board of supervisors of Ionia county, and paid out of the fund created by this act, and the said board of supervisors shall require said special commissioner to verify his accounts by oath or affidavit.

Vacancy, how filled.

Sec. 7. In case the special commissioner appointed by this act shall neglect or refuse to serve, or in case a vacancy shall occur by death, removal or otherwise, the county clerk, treas-

urser and judge of probate of Ionia county shall have the power, and by virtue of this act shall appoint a commissioner to fill such vacancy, and such appointment shall be certified in writing, by the officers making the same, and filed in the office of the county clerk of said county of Ionia; and whenever such vacancy shall occur, the said officers shall proceed at once, or without unnecessary delay, to appoint a commissioner to fill said vacancy; the commissioner [so appointed] shall be required to give bonds in like manner, and have the same powers as the commissioner appointed by this act.

Sec. 8. This act shall take immediate effect.

Approved March 20, 1868.

[No. 234.]

AN ACT to authorize the Peshtigo company, of Wisconsin, to construct dams across the Menominee river.

SECTION 1. *The People of the State of Michigan enact, That* the Peshtigo company, a corporate body created by the laws of the State of Wisconsin, and now doing business in Oconto county, in said State, and having, under and by virtue of the provisions of its charter, the right, among things, to construct dams in and across the Menominee river, from the Wisconsin shore of said river to the State boundary line in said river, between the States of Michigan and Wisconsin, shall have, and there is hereby granted to and conferred upon said Peshtigo company, the like right, power and authority to build and maintain dams in and across the said Menominee river, from the Michigan shore or side thereof to the said boundary line between the aforesaid States, together with the right to the use and occupation thereof, and of the shore and property adjacent thereto, which may be owned or controlled by said Peshtigo company, so far as may be necessary to the convenient transaction of the business that may be established in connection with any such dam or dams hereby authorized

Proviso. to be constructed by said Peshtigo company: *Provided*, Said dam or dams shall contain proper sluice or pass ways, for the passage of logs or rafts over the same.

Approved March 20, 1863.

[No. 235.]

AN ACT to amend chapter 150, of the revised statutes of 1846, being chapter 175 of the compiled laws, entitled "of the fees of certain officers in civil cases."

**Section
amended.**

SECTION 1. *The People of the State of Michigan enact*, That section seven, of chapter one hundred and seventy-five, of the compiled laws, being section five thousand six hundred and forty-three, be amended so as to read as follows:

**Fees of cer-
tain officers.**

(5643.) Sec. 7. For issuing a summons, warrant or attachment for a party or witness to attend before him, twenty-five cents;

For adjourning a cause or proceeding assigned for hearing on request, or upon cause shown, fifty-cents;

For entering any cause or proceeding on a register required to be kept by him, twenty-five cents;

For attending and hearing a motion for an injunction, *habeas corpus*, special motion, or any other matter referred to him, and making his decision and order on the same, when contested, two dollars, if not contested, one dollar;

For taking an account of what is due on every mortgage, and the security accompanying the same, if any, and making his report thereof to the court, when not contested, three dollars, and when contested, six dollars;

For drawing every report, and all schedules to be thereto annexed, in pursuance of an order of reference to him, (except in case of reference to compute amount due on mortgage,) fifteen cents for each folio;

For copies of reports, and all other proceedings furnished on request, six cents for each folio;

For examining into circumstances of sureties, and certifying his opinion to the court, one dollar;

For appointing any person to appear as next friend for an infant, twenty-five cents;

For inspecting and examining an infant or infants, who want guardians appointed, inquiring who are willing to become guardians, and into their competency, the proposed security and the competency thereof, and certifying the facts to the court, two dollars, whether the same be for one or more infants in the same petition;

For taking depositions of witnesses, fifteen cents for each folio;

For drawing every advertisement or public notice of the sale of property to be sold by him, one dollar;

For attending, or attending and adjourning, at the time and place of sale, one dollar, and five cents per mile travel fees both ways;

For attending and making the sale, two dollars and fifty cents, and travel fees of five cents per mile both ways; .

For executing the deed of real estate sold, two dollars for the first deed; for each subsequent deed, one dollar and fifty cents;

For making his report of such sale, when required to be made, and filing the same, ten cents for each folio, not to exceed in all three dollars;

For settling the form of a deed to be executed under his direction by a third person, under a decree or order, one dollar;

For superintending and certifying the payment of money, when paid under his direction by order, one dollar, but no fees to be allowed for the payment of money arising from sales, or to a party in the suit, or into court;

For examining into the circumstances and sufficiency of sureties in every bond or recognizance entered into before him, and approving or rejecting the same, fifty cents;

For taxing every bill of costs, including the bill of the differ-

ent officers of the court, and reporting the amount taxed, if opposed, one dollar, if not opposed, twenty-five cents.

When a commissioner, or other person, is authorized to advertise in a newspaper property for sale, or for parties to appear before him to prove debts or exhibit claims, he shall be allowed therefor the legal rates of advertising in such papers what he shall actually pay; and when money is ordered to be put out by a commissioner, and when an estate is sold by a commissioner, or any other person, under an order or decree, the commissioner shall be allowed all necessary disbursements actually paid by him, and such allowance, by way of commission, as the court shall direct, after notice thereof to the party to be charged therewith; but this shall not be construed to apply to sales of mortgaged premises.

Fees of circuit court commissioner.

When a commissioner shall take an account of an estate, or of any administration thereof, or any account between parties in trade, or shall take any other account than upon mortgage, under decree or order not included in the foregoing provisions, or when extra services shall be rendered by a commissioner in taking or stating an account, the court may make a further allowance, beyond the fees herein specified, as under the circumstances may be just and reasonable, upon notice to the party to be charged therewith.

For every order for a commission to take testimony, twenty-five cents;

For settling and certifying interrogatories to be annexed to a commission, fifty cents;

For every order for the examination of witnesses conditionally, or upon proceedings to perpetuate testimony, twenty-five cents;

For every day's attendance retaking such testimony, one dollar;

For presiding and conducting any trial by jury, swearing such jury, receiving and entering the verdict, or discharging them, or trying any issue in special proceedings without a jury, two dollars;

For receiving and filing the petition, and accompanying papers of an insolvent debtor, twenty-five cents;

For every order, warrant, certificate or appointment of assignees in such proceedings, fifty cents;

For deciding on the propriety of directing an assignment of the estate of an insolvent debtor, one dollar;

For taking the acknowledgment or proof of any conveyance or mortgage of real estate, or other instrument which may be recorded, twenty-five cents for the first person acknowledging, ten cents for each additional one, or whose execution of such mortgage or instrument shall be proved;

For taking a surrender of principal in any cause, twenty-five cents;

For committing such principal, twenty-five cents;

For warrant of restitution to put any person in possession of land, fifty cents;

For making any order in any other cause not herein specified, twenty-five cents;

And said commissioner shall have no fees for any services not herein specified.

Sec. 2. Section four of said chapter one hundred and fifty be and the same is hereby repealed.

Approved March 20, 1863.

[No. 236.]

AN ACT to provide for the protection of game in the State of Michigan.

SECTION 1. *The People of the State of Michigan enact, That no person or persons shall kill, chase or pursue with hound, dog, or otherwise, with intent to kill or destroy, any elk, wild buck, doe or fawn, at any time between the fifteenth day of January and the first day of September in each and every year.* or killing of elk, deer, etc., prohibited.

Sec. 2. No person or persons shall kill, destroy or take, or pursue with intent to kill, destroy or take, by any means whatsoever, any wild turkey, between the first day of February and

- the first day of September; or any woodcock between the first day of March and the first day of July; or any partridge, ruffed grouse or pheasant between the first day of February and the first day of September; or any prairie chicken or pinnated grouse, or any wild goose, duck or swan, between the first day of February and the fifteenth day of August; or any quail between the first day of January and the first day
- Proviso.** October in each and every year: *Provided*, That no person or persons shall, at any time during the year, kill or destroy with a punt or swivel gun, any of the game protected by this section.
- Penalty.** Sec. 3. Every person offending against the preceding sections of this act, or either of them, shall be subject to a penalty of five dollars for each and every elk, deer or bird so killed or destroyed, or taken, or pursued with intent to kill, destroy or take, to be sued for and recovered in the same manner provided for in this act, with cost of suit.
- Eggs of birds.** Sec. 4. It shall be unlawful for any person to destroy or disturb the eggs of any [of the] birds protected by this act.
- Penalty for killing otter or beaver.** Sec. 5. No person shall kill or destroy otter or beaver, from or after the first day of April to the first day of October, under the penalty of five dollars for each animal killed in violation of this act.
- Penalty, how recovered.** Sec. 6. Every penalty imposed by the preceding sections of this act shall be sued for in the name of the people of the State of Michigan, before any justice of the peace of the county in which the offence shall have been committed, which suit shall be commenced and carried on in the same manner as prosecutions for misdemeanors are; and the penalties collected in pursuance of this act shall be paid into the county treasury, and shall be apportioned to the support of school libraries.
- How appropriated.**
- Possession evidence of killing.** Sec. 7. In every such suit, in case of any green deer or elk skin, or fresh venison or elk meat, or birds, mentioned in this act, shall be found in the custody or possession of any person or persons, during the times prohibited by this act, such person or persons shall be deemed and held and taken to be the person or persons killing or destroying, or taking the same, and

liable to the penalties imposed by this act; and it shall not be **necessary** in any such suit, on the trial thereof, to prove the **killing**, destroying, or taking of such birds or deer, by the **person** or persons in whose custody or possession the same shall **be found**.

Sec. 8. The provision of this act shall not be construed to Limitations of act. **apply** to the counties embraced in the Upper Peninsula, or to **include** any Indians located within the limits of this State.

Sec. 9. All acts or parts of acts, contravening the provisions Acts repealed. **of this act**, are hereby repealed.

Approved March 20, 1863.

[No. 237.]

AN ACT to amend section one of "an act to amend an act entitled 'an act to provide for the drainage and reclamation of swamp lands, by means of State roads and ditches,' approved February twelfth, eighteen hundred and fifty-nine, by adding thereto sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one," approved March sixteenth, eighteen hundred and sixty-one.

SECTION 1. *The People of the State of Michigan enact*, That Section amended. **sec-**tion one of said act be amended so as to read as follows:

Sec. 1. That "an act to provide for the drainage and reclama- Act amended. **tion** of swamp lands, by means of State roads and ditches," approved February twelfth, eighteen hundred and fifty-nine, be and the same is hereby amended, and ten [new] sections added to said act, numbered sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-two, so as to read as follows:

Sec. 13. That there shall be laid out and established, in the State roads established. **Upper Peninsula**, by commissioners to be appointed by the Governor, one for each road, who shall be a resident of one of the counties through which any of the roads hereby located and established may pass, upon the most direct and eligible routes between the places hereinafter designated, the following State roads:

Wisconsin
and Lake
Superior.

First. A road from the Wisconsin State line, near the mouth of the Menominee river, thence northerly to the southerly line of town forty-eight north, range twenty-seven west, to be known as the Wisconsin and Lake Superior State road: *Provided*, That no portion of the aforesaid road shall be used as a road-bed for any railroad;

Keweenaw
Bay.

Second. A road from the southern line of town forty-eight north, range twenty-seven west, thence westerly to Lake Michigan, thence westerly to the waters of Keweenaw Bay, and thence to connect with the plank road in town fifty north, of range thirty-nine west, to be known as the Keweenaw Bay State road;

Mineral
Range.

Third. A road from point Keweenaw to the village of Copper Harbor, in the county of Houghton, to the village of Houghton, in said county, from thence to the eastern boundary line of Ontonagon, to be known as the Mineral Range State road;

Bay de Noc
and Green
Bay.

Fourth. A road from the mouth of the Menominee river north-westerly, (as near as practicable to Green Bay,) to the southern terminus of the Marquette and Bay de Noc (or Bay de Noquet) State road, to be known as the Bay de Noc and Green Bay State road;

Sault Ste.
Marie and
Grand
Island.

Fifth. [A road] from the village of St. Marie, in the county of Chippewa, to the harbor of Grand Maria and the village of Menessing, in the county of Schoolcraft, to be known as the Sault Ste. Marie and Grand Island State road;

Ste. Ignace
and Mille-
koka.

Sixth. A road from Point Ste. Ignace, in the county of Mackinaw, to Gros Cap, in said county, and from thence to the mouth of Millekoka river, to be known as the Ste. Ignace and Millekoka State road;

Troy and
Southport.

Seventh. A road from Troy, on Beaver Island, in the county of Manitou, by the most eligible route on the eastern shore of the island to the light-house thereon, to be known as the Troy and Southport State road;

Wisconsin
and Lake
Superior ex-
tension.

Eighth. A road commencing at the northern terminus of the Wisconsin and Lake Superior State road, in township forty-seven north, range twenty-seven west, from thence in an east-

erly direction to intersect the Marquette and Bay Denozen State road at some point between Whetstonbrook and Carpe river, to be known as the Wisconsin and Lake Superior State road extension;

Ninth. A road from the lake shore, in the village of Marquette, in a westerly direction by way of Harlow's mill, Switzer's mill, to the mineral range, in township forty-seven north, range twenty-seven west, to be known as the Marquette and Mineral Range State road;

Tenth. A road from the village of Chocola, in Marquette county, in a westerly direction to the village of Negaum, to be known as the Chocola and Negaum State road.

Sec. 2. This act shall take immediate effect.

Approved March 20, 1863.

[No. 238.]

AN ACT providing for a re-survey of a portion of the Grand Rapids and Muskegon State road, and appropriation of swamp lands for the improvement thereof.

SECTION 1. *The People of the State of Michigan enact, That* John H. Sanford, of Ottawa county, be and is hereby appointed a commissioner to re-survey and establish so much of the Grand Rapids and Muskegon State road as runs through the townships of Wright and Ohester, in the county of Ottawa.

Sec. 2. It shall be the duty of said commissioner, to lay out and establish said road, and cause the same to be re-surveyed, and a description thereof to be filed with the township clerk of each township through which said road may be laid, so far as said road shall run through each of said townships, whose duty it shall be to record the same; and in all cases in which damages may be claimed by reason of laying out said road, the same proceedings shall be had thereon as may be required by the laws in force at the time such claim is made for the assessment of damages in case of roads laid out by township commissioners of highways.

Compensation of commissioner.

Sec. 3. The said commissioner shall be allowed and paid the sum of two dollars per day for his services, the same to be paid by the counties in which the work is done; and the said commissioner shall, before entering upon the duties of his office, deliver to the county treasurer of Ottawa county, a bond, with two sufficient sureties, in the penal of sum of one thousand dollars, to be approved by said treasurer, conditioned for the faithful performance of all the duties imposed upon him by this act; and in default thereof, it shall be the duty of the county treasurer to prosecute the same, in the same manner as bonds are prosecuted against county officers.

Bond of.

Appropriation.

Sec. 4. For the purpose of improving said State road in the townships of Wright and Chester, in Ottawa county, and Ravenna, in Muskegon county, five sections of swamp land are hereby appropriated.

Notice of letting contracts.

Sec. 5. The commissioner having charge of said road, shall, on or before the first day of July next, cause notice of the times and places of meeting to let the jobs on said road to be published in the Muskegon Reporter and Grand Haven Union, and continue the publication of said notices for at least four successive weeks previous to letting such job.

Letting contracts.

Sec. 6. The commissioner shall meet at the times and places designated in said notice, and shall then and there state the place of beginning, and proceed to let the same at public auction; and the person offering to make the greatest length of road in the direction, and in the manner indicated by said commissioner, for forty acres of land, and giving security, good, for the performance of the same, shall be deemed to be the successful bidder, and entitled to the contract.

When patents to issue.

Sec. 7. When any job shall be fully completed, according to the conditions of the contract, the commissioner shall give to the person doing such job a certificate to that effect, which certificate, on its presentation to the Commissioner of the State Land Office, shall entitle the person to whom it was given, or his assignee, to a patent of any vacant forty acres of swamp land.

Sec. 8. Said commissioner shall render a just and true account of his doings to the boards of supervisors of the counties of Ottawa and Muskegon, at their annual meetings in October in each year, and a like account, annually, to the Commissioner of the State Land Office, on the first day of November in each year, until the work on said road is completed.

Sec. 9. This act shall take immediate effect.

Approved March 20, 1863.

[No. 239.]

AN ACT for the appropriation of swamp lands to the counties of Houghton and Keweenaw, for the construction of the mineral range State road.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of securing the completion of the mineral range State road from Point Keweenaw, [to the village of Copper Harbor, in the county of Keweenaw,] thence to the village of Houghton, in Houghton county, thence to the eastern boundary line of Ontonagon county, there shall be and hereby is appropriated to the counties of Houghton and Keweenaw, through which said road passes, 1280 acres of swamp lands per each mile on said road, to be expended under the authority and by the direction of the board of supervisors of said counties respectively. The patents for so much of said lands on said road, passing through the county of Houghton to be issued to said county, and the patents for so much of said lands on said road passing through the county of Keweenaw to be issued to said county, on the satisfactory completion of said road, as hereinafter specified.

Sec. 2. The board of supervisors of the respective counties aforesaid are hereby authorized to cause all necessary surveys of said road through their respective counties, and to re-locate any part of the same on the most feasible route on said mineral range, and for such purpose to appoint all necessary surveyors therefor, subject to their direction; and said boards of super-

Notice of
letting con-
tracts.

visors are hereby authorized to advertise for proposals for the building of said road through their respective counties, in sections or otherwise, as they may determine, and to contract for building the same with the lowest responsible bidder furnishing good security, as hereinafter provided; such notice shall contain the length of road proposed to be let, the manner of its construction, the time in which the same shall be completed, and the terms of payment, which notice shall be published not less than three weeks in some newspaper printed and published in the counties aforesaid, or if no newspaper is printed in the county, then in a newspaper printed in the county the nearest thereto, and printed notices shall be posted in all the most public places in said county. All bids made in pursuance thereof shall be accompanied with the names of two persons as sureties for the faithful performance of said work, and said sureties shall be approved by the respective board of supervisors of the respective counties aforesaid, and they shall enter into bonds guaranteeing the faithful performance of such work specified in such contract let on said bid, in such manner as said board of supervisors shall respectively determine. The

Accounts to
be allowed.

said boards of supervisors, respectively, are hereby authorized to allow and audit all claims accruing on such contract, or contracts, for work done in pursuance thereof on said road, and to cause to be kept, by the clerks of their respective counties, an account of the expenses and disbursements on account of said road, in such manner as they may determine, and shall, at the end of each fiscal year, cause a report to be made and published of their doings in relation to said road.

Report.

When pa-
tents to
issue.

Sec. 3. That whenever any ten consecutive miles of said road shall be completed and approved of by the board of supervisors of the county in which said road shall have been built, and such approval certified to by the chairman of such board of supervisors, the clerk thereof shall serve notice of such approval on the Commissioner of the State Land Office, who shall issue patents to the county in which said work shall have been

so completed, conveying to said county twenty sections of said swamp lands, to be selected by such board of supervisors.

Sec. 4. That there shall be withheld from sale not exceeding ^{Lands to be withheld from sale.} 1280 [acres] of the swamp lands in the Upper Peninsula, (not otherwise appropriated,) for each mile of said road, from and after the time said counties through which said road runs shall notify the Commissioner of the State Land Office of the selection of the same, and said lands shall so be withheld from sale, for the period of four years from the passage of this act.

Sec. 5. Said road shall be completed within four years from ^{When to be completed.} the passage of this act.

Sec. 6. That the counties of Houghton and Keweenaw are ^{Tax authorized.} hereby authorized to raise by tax on the taxable property of said counties, such sums of money as the boards of supervisors of the respective counties [may recommend for the purpose of the construction of said road through their respective counties] aforesaid: *Provided*, That before any such tax shall be so ^{Provided.} levied, said boards of supervisors, respectively, shall submit to the qualified electors of their respective counties, at the next annual township meeting, the question of said proposed tax.

Sec. 7. That at such election there shall be prepared tickets, ^{Manner of conducting elections.} printed or written, [or partly printed and partly written,] and those voting for the tax will have written or printed on their tickets the words, "Tax for the construction of the mineral range State road, Yes." Those voting against the tax, will have written or printed thereon, "Tax for the construction of the mineral range State road, No." Said votes shall be can- ^{Canvass.} vassed and returned, as near as may be, as is now provided by law for the canvass and return of votes cast for county officers; and if a majority of said votes cast at such election be in favor of such tax, then the respective boards of supervisors are hereby authorized to levy said tax in one year, or apportion the same so as to raise part in each of the three or four years.

Sec. 8. The clerks of Houghton and Keweenaw counties shall ^{Notice of elections.} notify the sheriff of their respective counties of the above election, and said sheriffs shall notify the several township clerks

Special township meetings.

in their counties of the said election, and the said township clerks shall give the same notice of said election as is required to be given at special township meetings, stating that said tax is to be voted for: *Provided*, That if, from any cause, the proper notice of said election cannot be given as is required by this act, then it shall be lawful for the boards of supervisors of the above counties to call a special township meeting in said counties, by giving the proper notice required to be given for special township meetings.

Patents.

Board of supervisors to have control of lands

Sec. 9. Whenever the said road shall be completed in either or both of said counties, and the fact certified to, as provided in section three of this act, then the Commissioner of the State Land Office shall issue patents to the proper county for the amount of swamp lands appropriated for the construction of said road in said counties. The lands so patented shall be under the control of the respective boards of supervisors, who shall fix the minimum price per acre, the manner of the sale, and authorize the county clerks to issue patents of said lands to any person or persons who shall pay to the county treasurer the amount of money due for any of said lands.

Proceedings should electors vote against tax.

Sec. 10. Should a majority of the electors vote against the tax, as is provided for in this act, then the board of supervisors of the respective counties of Houghton and Keweenaw shall have the same authority, and perform the same duties, upon that part of the mineral range State road that is within their respective counties, as is conferred upon the board of supervisors of Houghton county, in "an act to authorize the board of supervisors of Houghton county to draw certain swamp land money and to expend the same on the L'Anse State line State road, and for other purposes."

[Sec. 11. This act shall take immediate effect.]

Approved March 20, 1863.

[No. 240.]

AN ACT to amend sections five and six, of chapter seventy, of the compiled laws, relative to telegraph companies, and to add to said chapter sections twenty and twenty-one.

SECTION 1. *The People of the State of Michigan enact*, That sections five and six, of chapter seventy, of the compiled laws, be Sections amended. amended so as to read as follows, and to add two new sections thereto, to stand as sections twenty and twenty-one:

Sec. 5. Such association is authorized to enter upon, and When authorized to construct lines of telegraph. construct, and maintain lines of telegraph through, along and upon any of the public roads and highways, or across or under any of the waters within the limits of this State, by the erection of the necessary fixtures, including posts, piers or abutments, for sustaining the cords or wires of such lines: *Provided*, That the same shall not be so constructed as to incommode the Proviso. public use of said roads or highways, or injuriously interrupt the navigation of said waters; nor shall this act be so construed as to authorize the construction of any bridge across any of the waters of this State. Said association, instead of Wires may be placed under ground. running or placing their wires on posts, may, if they choose, run or place the same under ground, with a suitable or proper covering for the protection of the same; and any part of this act, or any law made or to be made providing for the appraisal of damages to any person injured by the construction or maintenance of such line or lines, shall be construed to include damages occasioned by the construction of said lines under ground, as provided by this act.

Sec. 6. If any person, over or through whose lands said lines Commissioners to assess damages. shall pass, upon which said posts, piers or abutments shall be placed, or through whose lands said lines shall be run under ground, shall consider himself aggrieved or damaged thereby, it shall be the duty of the circuit court of the county within which said lands are, on the application of such person, and on notice to said association, (to be served on the president or any director,) to appoint three discreet and disinterested persons as commissioners, who shall severally take an oath before Oath of

any person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this act;

Duties of. and it shall be the duty of said commissioners, or a majority of them, to make a just and equitable appraisal of all the loss or damages sustained by said applicant by reason of said lines, posts, piers or abutments, which appraisal shall be in writing, signed by said commissioners, or a majority of them, and filed in the office of the clerk of said court. Said report or appraisal may be confirmed by said court at any term thereof, and the court shall appoint some day when it will consider said report or appraisal, and objections against the confirmation thereof, on the part of all parties interested therein, notice of which day shall be given to said association by service thereof on the president or any director. Said objections shall be as to matters of substance, and shall be filed with the clerk of said court, in writing, but may be argued, and the hearing of said report and objections may be adjourned from time to time, until said report or appraisal be confirmed or otherwise disposed of. Upon the confirmation of said report or appraisal, in case any damages be adjudged to said applicant, such association shall pay the amount thereof, with costs of such appraisal; said costs to be liquidated and ascertained on said award. In case no damages shall be reported to have been sustained by such applicant, and the report thereof being confirmed, said applicant shall thereafter be held to have sustained no loss or damage by reason of said lines. In case said report or appraisal shall not be confirmed, it shall not prejudice the right of such applicant to renew his application. Said commissioners shall receive for their services two dollars for each day they are actually engaged in making such appraisal.

Confirmation of report.

Objections thereto.

When no damages are reported.

Compensation of commissioners.

Appraisal of damages where lands lie in one or more counties.

Sec. 20. When any person owning or occupying lands lying in or extending into one or more counties, shall desire to have the damages occasioned by the passing or extension of said lines over or through the said lands appraised, the circuit court for any county in which any part of the said lands may lie shall have power to appoint commissioners, as provided in sec-

tion six, to appraise the damages to such person upon all the lands so owned or occupied by him, whether they lie in the county where the said court is held or not, provided they are contiguous to each other.

Sec. 21. Whenever any person shall apply to any circuit court for the appointment of commissioners to appraise the damages to any lands owned or occupied by him, under the provisions of this act, and it shall appear to said court that such person owns or occupies other lands contiguous thereto, whether in the county where said court is held or otherwise, it shall be the duty of said circuit court to authorize and require said commissioners to appraise the damages to such applicant upon all [the] contiguous lands of such person, in whatever county they may lie, unless said association shall otherwise consent in writing.

Approved March 20, 1863.

[No. 241.]

AN ACT to provide for the collection of State and county taxes in the city of Detroit.

SECTION 1. *The People of the State of Michigan enact, That* hereafter, when the assessment rolls of the different wards in the city of Detroit, for city taxes, are annually, fully and finally confirmed, as prescribed by the provisions of the city charter, it shall be the duty of the assessor of said city to make a copy of the assessment roll of each of said wards, to be known as the State and county tax rolls, upon which he shall, upon receipt of the certificate of the clerk of the board of supervisors of said county, stating the amount of taxes apportioned to each ward, ratably assess the county and State taxes, as provided by the general laws of the State, to each of which tax rolls he shall annex a warrant signed by him, directed to the proper ward collector, and made returnable on the first day of February then next, commanding said collector to collect from the persons severally named in said roll the several sums mentioned in the last

Duty of assessor.

Warrant.

column thereof, opposite their respective names, with four per cent. as fees for collection, and to account for and pay over to the county treasurer of Wayne county all the moneys so collected, on or before the said first day of February then next ensuing, except said four per cent. collection fees, and said warrant shall authorize every such collector, in case any person named in any such tax roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such persons, wheresoever the same may be found within the limits of said city, and shall also require the due and prompt return of all unpaid taxes to be made, which State and county tax rolls and warrants the assessors shall deliver over to the treasurer of said county on or before the fifteenth day of November in each year.

**Duty of Co.
treasurer.;**

Sec. 2. The county treasurer, upon the receipt of said rolls, is required to cause a notice to be published in two daily papers published in said city, for three weeks, stating that said rolls and warrants have been made and deposited in his office by the assessor, where they will remain for thirty days from the date of such notice, during which time said taxes may be paid to the county treasurer without being subject to the payment of any per centage for collection, and such treasurer will grant his receipt for every tax so paid, and mark the same as paid on the roll.

**Powers and
duties of
collectors.**

Sec. 3. The collectors of said wards, respectively, shall have the same power, and perform the same duties in the collection of said taxes, as are now required by the general tax law to be performed by a township treasurer, so far as the same may not be inconsistent with the provisions of this act; they shall severally give official bonds in the same manner, to be approved of by the said county treasurer, and they and their respective sureties shall be subject to be proceeded against for the non-performance of their duties, as said township treasurer may be.

Bonds of.

**When tax
rolls to be
delivered to
collectors.**

Sec. 4. On the expiration of the time limited for the payment of taxes into the county treasurer's office, as aforesaid, and as soon as said collector's [bonds] shall have been approved of, it

shall be the duty of said county treasurer to deliver to said several collectors their appropriate tax rolls and warrants for collection, taking their respective receipts therefor.

Sec. 5. When the said State and county tax rolls are returned to said treasurer by said collectors, and the proper returns made, as required by the general tax law, and the requisite affidavit annexed of the unpaid taxes, it shall be the duty of said county treasurer carefully to preserve all such tax rolls, warrants; returns and affidavits in his office; and it shall be the duty of said county treasurer, in due time, to make returns to the Auditor General of such unpaid taxes, according to law.

Duty of Co. treasurer on return of tax rolls.

Sec. 6. This act shall not apply to the assessment and collection of taxes in the city of Detroit for the year one thousand eight hundred and sixty-three.

Not to apply to taxes of 1863.

Approved March 20, 1863.

[No. 242.]

AN ACT for the incorporation of hospitals or asylums in cases where valuable grants or emoluments have been made to trustees for such purposes.

SECTION 1. *The People of the State of Michigan enact*, That in all cases where lands, or any other property, amounting in value to five thousand dollars or upwards, have been or shall hereafter be given, granted, devised or bequeathed to one or more trustees for the purpose of founding or endowing a hospital or other charitable asylum within this State, for the care or relief of indigent or other sick or infirm persons, and it shall, for the more effective and perfect administration of such trust, be deemed expedient by such trustees to organize themselves as a corporation, then the trustees in whom said lands and other property are for the time being vested, may become incorporated by executing under their hands, and acknowledging before some person in this State authorized to take the acknowledgment of deeds, duplicate articles of incorporation, one of which shall be filed in the office of the Secretary of State, and

Corporations authorized.

Articles of incorporation.

To be filed and recorded.

one recorded in the clerk's office of the county or counties in the State, in which the office of such incorporation or association may be located; and upon the execution and acknowledgment of such articles, the signers thereof shall become and be a body politic and corporate, for the objects and purposes set forth in said articles; and they, their successors and associates, shall continue to be such body corporate and politic, and may sue and be sued, take, hold and convey real and personal estate, subject to the limitations hereinafter contained; may adopt a common seal, and change the same, and may exercise all the powers, and shall be subject to all the responsibilities by law conferred and imposed.

Contents of articles. Sec. 2. Said articles shall contain and declare:

First. The name of such corporation, the city, town or county in which such hospital or asylum is, or is to be located, and the period for which it is incorporated;

Second. The objects of said corporation, which shall be stated with all convenient fullness and certainty;

Third. The names of the trustees thereby incorporated;

Fourth. The number of persons who shall constitute the permanent board of trustees of such corporation, the mode of the election or appointment of the first board of trustees, the time for which the trustees shall be elected or appointed, and the mode in which their successors shall be elected or appointed;

Fifth. Such other officers of the corporation as may be deemed necessary;

Sixth. The time of holding the annual meeting;

Seventh. There shall also be annexed to such articles a copy of the deed, will or other instrument by which the original gift, grant, devise or bequest was made to such trustees.

Board of Trustees. Sec. 3. The affairs of said corporation shall be managed by a board of trustees, not less than three nor more than fifteen in number, who shall be chosen or appointed in such manner as is fixed in the articles of the [in]corporation; such trustees shall hold for the term or time in such articles fixed, and until their successors are chosen: *Provided, That* when the number of

Term of office.

trustees and the mode of the appointment of their successors is fixed in the deed, will or other instrument of the original founder, the provisions relating thereto shall govern in said corporation, so far as consistent with the laws of this State. The officers and other officers of said corporation shall be chosen by the trustees, from their own numbers or otherwise, as the trustees shall determine. A majority of such trustees shall form a quorum, and may make by-laws, and alter the same, for the more orderly transaction of their business, and for the regulation of the care or relief to indigent and other sick and infirm persons. As soon as such corporation shall be duly organized, the individual trustees who hold or possess the lands or other property so given, granted, devised or bequeathed, shall forthwith convey and deliver the same to such corporation by deed or other proper mode of transfer, and said corporation shall thereupon and thereafter hold, possess and enjoy the same to the same extent, and for the same purposes, as designed and declared by the original donor.

Property to be conveyed to corporation.

Sec. 4. Such corporation may, by gift, grant, devise or bequest, take, receive and hold any property, real or personal, but only for the purposes for which it is incorporated: *Provided*, That said corporation shall not hold any lands except such as shall be necessary for the direct and reasonable use or convenience of its hospital or asylum, for a longer period than ten years.

Corporation may receive by gift, etc.

Sec. 5. No trustees of said corporation shall be entitled to any compensation except under some special employment by the board, or authority expressed in the original deed or instrument of trust.

Trustees not entitled to compensation.

Sec. 6. All the funds of said corporation shall be faithfully and exclusively used for the purposes thereof, as set forth in its articles, and the same shall be wholly used within this State. Said corporation may invest its funds by loan, on mortgage security, or by purchase of any city, county, State or United States bonds, or by loan on pledge of the same: *Provided*, That no loan of such funds shall be made to any trustee, officer or servant of such corporation.

Funds, how used.

Property
exempt
from tax-
ation.

Sec. 7. The property on which said asylum or institution building stands, together with said building, shall, while occupied for the objects and purposes thereof, be exempt from taxation.

Report of
trustees.

Sec. 8. Such corporation, whenever required by the Attorney General or the Legislature, shall make and exhibit a full statement of its affairs, under the oath of one or more of its trustees;

Penalty for
neglect to
report.

and for any neglect so to report when required, each one of its officers, and all of the trustees, so neglecting, shall be liable to a penalty of fifty dollars each, to be recovered by action of debt, in the name of the people of the State of Michigan: *Pro-*

Provided.

vided, That said corporation may report to the Legislature each and every year after the establishment of such asylum or other institution, should they desire so to do.

Approved March 20, 1863.

[No. 243.]

AN ACT to authorize the Adrian and Bean Creek plank road company to move their toll-gates.

SECTION 1. *The People of the State of Michigan enact,* That the Removal of Adrian and Bean Creek plank road company may move their toll-gates, next west of the city of Adrian, or either of them, so as to bring the same within less than five miles of each other, if deemed necessary, but not within a distance of less than four miles, and not so as to affect or alter the rates of toll authorized by law to be collected on said road.

Sec. 2. This act shall take immediate effect.

Approved March 23, 1863.

CONCURRENT RESOLUTIONS.

[No. 1.]

CONCURRENT RESOLUTION relative to the selection and location of the lands donated by Congress for the benefit of the Agricultural School of this State.

Resolved, (the House concurring,) That the Governor be requested to procure from the commissioner of the general land office of the United States an order directing the registers of the several district land offices in this State to withdraw from market, and so mark on their plats, any of the lands of the United States subject to private entry that may be selected by authority of this State, under the grant made by act of Congress, approved July second, eighteen hundred sixty-two, for the endowment of colleges for the benefit of agriculture and the mechanic arts, whenever the said registers shall be notified of the selection of any of said lands by the persons authorized by this State to select the same.

Approved March 18, 1863.

[No. 2.]

CONCURRENT RESOLUTION.

Resolved, (the Senate concurring,) That the Secretary of the Senate and the Clerk of the House of Representatives be and they are hereby authorized and requested to compile and prepare for publication, and make indexes, and superintend the publication of the journals and documents of the present Legislature, and when completed and certified to by the Secretary of State, the Secretary of the Senate shall be entitled to and receive for his

CONCURRENT RESOLUTIONS.

services the sum of three hundred and fifty dollars, and the Clerk of the House of Representatives shall be entitled to and receive for his services the sum of three hundred and fifty dollars.

Approved March 20, 1863.

JOINT RESOLUTIONS.

[No. 1.]

JOINT RESOLUTION asking the government of the United States to make a grant of land for the construction of a wagon road from Copper Harbor, running through or to town forty north, range thirty-seven west, in the State of Michigan, to the city of Appleton, in the State of Wisconsin.

Whereas, The settlements in the rich and inexhaustible copper mining districts of this State are remote from the thickly settled parts of this State and Wisconsin, and as this distance, of over two hundred miles, is mostly through an unbroken wilderness, we deem it all important that the government of the United States make a grant of land of two sections to each mile of a wagon road to be constructed from Copper Harbor, in the State of Michigan, to the city of Appleton, in the State of Wisconsin;

And whereas, That most of our population of this section of our State, engaged in mining and developing the mineral resources, are liable to great suffering, and even starvation, should any serious damage, by fire or otherwise, happen to their winter supplies during the close of navigation (which is over six months) on the lakes, for the want of such a road, by means of which supplies of provisions could be brought into the country, or the inhabitants be enabled to reach a country where a supply of provisions can be procured;

And whereas, We are confident in the belief that the said grant of land will be a mutual benefit to the State by opening up the country to farming and mining enterprises, and to the general government by bringing the public lands into market, and protecting her rich and distant mineral district; therefore,

JOINT RESOLUTIONS.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use all honorable means to secure the immediate grant of these lands for the purpose set forth in the preamble to these resolutions.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolution to our Senators and Representatives in Congress.

Approved January 29, 1863.

[No. 2.]

JOINT RESOLUTION to amend joint resolution number thirteen, appropriating the tolls of the St. Mary's canal to the payment of the amount due counties for taxes assessed on canal lands, approved March eleventh, eighteen hundred and sixty-one.

Resolved by the Senate and House of Representatives of the State of Michigan, That said joint resolution be amended so as to read as follows:

That the entire receipts from tolls on the St. Mary's ship canal, for the year eighteen hundred and sixty-two, and for such time thereafter as may be necessary, except such sums as may be required to pay the current expenses of said canal, and also the interest accruing upon the canal loans guaranteed by the State, shall be and the same are set apart for the purpose of reimbursing such sums as are due the several counties on account of taxes remitted by the State on lands belonging to the St. Mary's Falls ship canal company. The Auditor General shall, on the first day of February, eighteen hundred and sixty-three, and on the first Monday of January annually thereafter, as long as there shall be any indebtedness to the counties on account of taxes remitted as aforesaid, proceed to divide the net amount received during the year from such tolls among the counties entitled to the same, in proportion to the amount due to each for principal and interest; the same to be paid, without any deduction whatever, by the State Treasurer, upon

JOINT RESOLUTIONS.

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the order of the county treasurers, respectively, and countersigned by the clerk of the board of supervisors.

This resolution shall take immediate effect.

Approved February 6, 1863.

[No. 3.]

JOINT RESOLUTION for the relief of Robert W. Cummings.

Whereas, Robert W. Cummings, as assignee of Daniel L. Bently, represents that he has unjustly suffered considerable expense in prosecuting the writ of mandamus in the supreme court of this State, in the case of The People on the relation of said Cummings against the State Treasurer, decided in said court in November, eighteen hundred and fifty-nine, in order to sustain his right to a parcel of swamp land, in said proceedings mentioned; and in defending, by writ of injunction from the circuit court for the county of Lapeer, against ejectment by the Commissioner of the State Land Office, and one William H. Clark, until such time as the question of right be judicially settled and determined; therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the board of State auditors are hereby authorized and empowered, in their discretion, to audit and allow to the said Robert W. Cummings such sums of money as were actually and necessarily paid out, and the reasonable expense incurred by him in the prosecution of, and hearing upon, said writs of mandamus and injunction, upon the proper vouchers, verified to the satisfaction of said board, together with such amount of interest as may, in their opinion, be equitably due; and on such allowance the Auditor General may issue his warrant on the State Treasurer, in favor of said Cummings, for the amount so audited and allowed, payable out of any moneys in the treasury not otherwise appropriated.

[This joint resolution shall take immediate effect.]

Approved February 13, 1863.

JOINT RESOLUTIONS.

[No 4.]

JOINT RESOLUTION in relation to the reduction of duty on imported printing paper.

Whereas, The price of paper has advanced to an exorbitant rate, owing to the increased cost of the raw material from which it is manufactured, as well as the high duty on imported paper;

And whereas, A reduction in the duty upon the imported article would produce a larger revenue to the treasury; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be and they are hereby instructed, and our Representatives requested, to use their influence to procure a reduction in the duty on imported paper, as contemplated in the bill now pending before Congress.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolution to our Senators and Representatives in Congress.

Approved February 18, 1868.

[No. 5.]

JOINT RESOLUTIONS on the state of the Union.

Whereas, The present rebellion threatens the peace and perpetuity of the Union of the States, and requires the united efforts of all patriotic and loyal citizens to sustain the Administration, to restore a permanent and honorable peace to the whole country; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That we will sustain the National Administration with all the means in our power, in all its efforts to quell the present rebellion, and restore peace to the Union.

Resolved, That we unreservedly approve the proclamation of the President of the United States, issued on the first day of January, one thousand eight hundred and sixty-three, emancipating slaves in the insurgent States and districts of the Union, believing it to be an act of justice warranted by the constitution upon military necessity.

Resolved, That while we lament the gallant dead who have given their lives for their country, and mourn over the appalling sacrifices of blood and treasure which this war has already occasioned, we nevertheless rejoice that through the mad and guilty act of the southern conspirators, that wicked and barbarous institution of African slavery will receive its death-blow; and as lovers of humanity and christian civilization, we hail this great consummation with exceeding joy, not as a *cause* for the proclamation of the President, but as a *beneficent consequence* which must flow from it.

Resolved, That we are unalterably opposed to any terms of compromise and accommodation with the rebels, while under arms, and acting in hostility to the government of the Union, and on this we express but one sentiment—unconditional submission and obedience to the laws and constitution of the Union.

Resolved, That the Governor be requested to forward a copy of the foregoing preamble and joint resolutions to each of our Senators and Representatives in Congress, and to the Governors of the several loyal States.

Approved February 24, 1863.

[No. 6.]

JOINT RESOLUTION to authorize the sale, by the State Treasurer, of two thousand copies of the compiled laws.

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the State Treasurer is hereby authorized to sell, from time to time, any number of copies of the compiled laws, not exceeding two thousand, at a price not less than two dollars per copy.

This joint resolution shall take immediate effect.

Approved February 25, 1863.

JOINT RESOLUTIONS.

[No. 7.]

JOINT RESOLUTION instructing the board of State auditors to make a settlement with Thomas Sullivan.

Whereas, Thomas Sullivan, of the county of Wayne, sets forth in a petition by him signed, (which petition was presented to the Senate January fourteenth, A. D. eighteen hundred and sixty-three,) that heretofore, to wit: in the month of April, A. D. eighteen hundred and forty-five, he purchased at public sale, held in the city of Detroit by the Commissioner of the State Land Office, the following described pieces of land, situate in the township of Springwells, in the county of Wayne, known and described as lots numbered two and three of the subdivisions of the University lands, and known as the "ship yard," containing eighty-two acres more or less; that in pursuance of said purchase, he, the said Thomas Sullivan, entered into the possession of said land, according to the survey and plat thereof, (made under the authority of the State of Michigan,) and made valuable improvements thereon; that the heirs of one L. Lenox, claiming to own private land claim number seven hundred and eighteen, which adjoins the University lands on the east, insisted that said Thomas Sullivan was wrongfully in possession of a part of said private claim number seven hundred and eighteen, under his purchase of said lots two and three, and that the survey and plat of said University lands were erroneous, and embraced a portion of said private claim number seven hundred and eighteen, to the injury of said heirs, wherefore, they, the said heirs, instituted sundry suits at law, by way of ejectment, (replevin of wood cut, &c.,) against said Thomas Sullivan, in the courts of the county of Wayne, since the year eighteen hundred and sixty; and that after a tedious and expensive litigation in the premises, they, the said heirs, maintained their claim to a portion of the University lands occupied by said Thomas Sullivan, under his purchase, as aforesaid, and caused him, the said Sullivan, to be ejected therefrom; therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the board of State auditors be and they are hereby authorized and instructed to make a just and equitable settlement with said Thomas Sullivan for all lawful or equitable claims against the State, growing out of an erroneous survey or description of said lots two and three, furnished by said State Land Commissioner at the time of making said sale; and further, if, on settlement, said board of State auditors shall find that said Thomas Sullivan has sustained loss by said ejectment and replevin, and the costs consequent thereto, by reason of said error in description, as above claimed, and that the same ought, of right, to be paid by the State to said Sullivan, they, the said board, shall report the amount to be so paid to the Commissioner of the State Land Office, who is hereby instructed to endorse and credit such amount so reported as a payment on the purchase of said lots two and three: *Provided*, That any amount so awarded by said board to said Sullivan shall be, by the State Treasurer, when paid, charged to the University fund.

[This joint resolution shall take immediate effect.]

Approved February 25, 1868.

[No. 8.]

JOINT RESOLUTION in relation to the gauge of the Pacific railroad.

Whereas, Under the provisions of an act of Congress, entitled "an act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean," approved July first, eighteen hundred and sixty-two, the gauge of said railroad has been fixed at five feet;

And whereas, There exists but one road of that gauge in the United States, and all the other railroads that will connect with said proposed railroad are constructed upon a gauge of four feet eight and a-half inches; therefore,

JOINT RESOLUTIONS.

Resolved, by the Senate and House of Representatives of the State of Michigan; That our Senators and Representatives in Congress be and they are hereby requested to endeavor to procure the passage of a law which shall fix the gauge of the proposed railroad from the Missouri river to the Pacific ocean at five feet and eight and a-half inches.

Resolved, That the Secretary of State be requested to forward a certified copy of these resolutions to our Senators and Representatives in Congress.

Approved February 25, 1868.

[No. 9.]

JOINT RESOLUTION to authorize the purchase of Lambert's "field tourniquets," for the use of the Michigan soldiers, in the service of the United States.

Resolved by the Senate and House of Representatives of the State of Michigan; That the Governor be and he is hereby authorized to procure and furnish to the surgeons and commanding officers of Michigan soldiers now or hereafter in the service of the United States, such number of Lambert's "field tourniquets," not exceeding one hundred to a full regiment of infantry or cavalry, and a proportionate number to each battery, at a price not exceeding eighty-five cents each, as he shall deem proper, and that the same be paid out of the war fund, on the order of the Governor.

This resolution shall take immediate effect.

Approved March 5, 1868.

[No. 10.]

JOINT RESOLUTION in regard to certain property in the possession of the late State geologist.

Resolved by the Senate and House of Representatives of the State of Michigan; That Prof. Winchell; late State geologist, be and he is hereby directed to transfer, or cause to be transferred,

erred, without delay, to the board of State auditors, or their agent, all of the instruments, materials and property, of any description whatever, purchased at the expense of the State and used by said late State geologist, his agents and assistants, in connection with the late geological survey; also, all specimens of every character and description collected and preserved by him, his agents and assistants, during the progress of said geological survey, excepting such specimens as have been deposited in or distributed to any of the State institutions of learning, according to law, and property belonging to the State; also, that said Winchell deliver, or cause to be delivered to the Auditor General, a schedule of all instruments, property and materials used in said survey belonging to the State, together with a list of the specimens collected and preserved belonging to the State.

[*Resolved*, That the board of State auditors be and are hereby authorized to audit and allow all the just and reasonable expenses that may be incurred by reason of the transfer named in the foregoing resolution.]

Approved March 7, 1863.

[No. 11.]

JOINT RESOLUTION for the relief of Conrad Gulmire.

Whereas, It is represented that James Davis, of Kent county, and State of Michigan, did, in the year A. D. eighteen hundred and forty-nine, purchase the west half of the south-east quarter of section seventeen, in town nine north, of range thirteen west, among other parcels of the internal improvement lands of the State of Michigan, and also that he assigned his right, title and interest in the above described lands to Conrad Gulmire, and on the presentation of the certificate of purchase to the State Land Office for his patent, it was ascertained that the above described lands had been previously sold by the State; and also it is represented that the above named Gulmire has never received from the State of Michigan any other lands in

JOINT RESOLUTIONS.

lien therefor, nor any payment or refunding of the money paid by him for the above described lands; therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the board of State auditors are hereby authorized and empowered to audit and allow the said Conrad Gulmire such sum or sums of money as they may find is actually and justly his due for principal and interest, in consequence of the above named claim; and on such allowance being made, the Auditor General may issue his warrant on the State Treasurer in favor of said Gulmire, for the amount so audited and allowed, payable out of any moneys in the treasury not otherwise appropriated.

Approved March 7, 1863.

[No. 12.]

JOINT RESOLUTION relative to procuring a flag for the capitol.

Resolved by the Senate and House of Representatives of the State of Michigan, That the State Treasurer is hereby directed to procure an American storm flag, of suitable size, to be displayed over the capitol, to be raised when the Legislature and supreme court are in session, and lowered during recess and adjournment; also to be raised on all public days.

This resolution shall take immediate effect.

Approved March 7, 1863.

[No. 13.]

JOINT RESOLUTION for the relief of James Campbell

Whereas, James Campbell, of Medina, in the county of Lenawee, claims that he has heretofore paid to the State sundry taxes, erroneously assessed, and that the same should now, of right and equity, be re-funded to him, with interest thereon; therefore,

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Resolved by the Senate and House of Representatives of the State of Michigan, That the board of State auditors be and hereby are authorized and instructed to examine said claim, and to allow to said Campbell so much as they shall find justly and equitably due to him from the State, with interest thereon; and for such sum, so allowed by said board, the Auditor General is hereby instructed to draw his warrant on the State Treasurer, and the treasurer is hereby required to pay the same out of any money in the treasury, not otherwise appropriated; and it shall be the duty of said board to ascertain and determine what part, if any, of said sum allowed as aforesaid, is justly chargeable to Lenawee county; and any sum so found and determined shall be charged by the Auditor General to said Lenawee county, and deducted from any moneys now or hereafter due from the State to said county.

This resolution shall take immediate effect.

Approved March 11, 1863.

[No. 14.]

JOINT RESOLUTION relative to the distribution of the session laws, journals and documents of the Legislature of the year A. D. 1863.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be and he is hereby authorized and directed to forward one copy of the laws and resolutions passed at the present session of the Legislature, also one copy of the journals and documents of the Senate and House of Representatives, including one copy of the roll of honor of the State of Michigan, to each of the members and officers of the two Houses, directed to the clerks of the several counties, in which said members and officers reside, as soon as the same shall be printed and bound, ready for delivery.

Approved March 14, 1863.

JOINT RESOLUTIONS.

[No. 15.]

JOINT RESOLUTION of thanks to the Michigan soldiers in the field.

Whereas, The citizen soldiers of Michigan have responded cheerfully to their country's call, have never hesitated or faltered when duty prompted or danger threatened, and, by their indomitable fortitude under the fatigues and privations of war, their heroic bravery and brilliant achievements upon the battle field, have crowned themselves with glory, and given to Michigan imperishable renown; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That tendering to them the thanks of the State for their valuable services, we also assure them that while Michigan thus holds them forth as examples of emulation to the soldiers of other States, she is also proudly grateful to them for the renown which their noble deeds have shed upon her name, and claiming them for her own, she points to them with feelings of maternal pride, and in the language of the noble Roman mother exclaims, "these are my jewels."

Resolved, That the Governor be and he is hereby required to forward a copy of the foregoing preamble and joint resolution to each of the regiments and batteries of Michigan soldiers now in the field.

This resolution shall take immediate effect.

Approved March 14, 1863.

[No. 16.]

JOINT RESOLUTION relative to the binding of the journals, documents and laws of the Legislature, for the year eighteen hundred and sixty-three.

Resolved by the Senate and House of Representatives of the State of Michigan, That the journals, documents and laws of the legislative session of the year eighteen hundred and sixty-three, be bound in strong boards, with leather backs, in the same style, as near as may be convenient and practicable, as

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the binding of the laws and journals of the legislative session of eighteen hundred and sixty-one; the same to be done under the direction of the board of State auditors.

Approved March 17, 1868.

[No. 17.]

JOINT RESOLUTION relative to the claims of David W. Noyes, Loren Andrews, Hiram W. Miller and Unn Miller.

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of State auditors are hereby authorized, empowered and directed to investigate and ascertain the amounts of money overpaid to the State by David W. Noyes, Loren Andrews and Joseph Miller, father of Hiram W. Miller and Unn Miller, in the purchase of the north-east, north-west and south-west quarters of section thirty-four, township four north, of range twelve east, and to pay whatever may be found to be justly and equitably due to said parties, or either of them, including interest thereon from the time of such overpayment, by warrants upon the general fund; in the same manner as other claims audited by said board are paid.

Approved March 18, 1868.

[No. 18.]

JOINT RESOLUTION on the state of the Union.

Whereas, The existing rebellion, in its strength, extent and ferocity, in its baseness, enormity and wickedness, is without parallel in the history of mankind, is waged against a government the most beneficent on the face of the earth, and is without any justifiable cause, or even plausible pretext;

And whereas, The National Administration is the only legally constituted authority to direct the means and energies to be employed in the prosecution of the war;

And whereas, The safety and perpetuity of the government

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can only be secured by the utter and complete overthrow of the rebellion; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That it is the solemn and imperative duty of the Administration to direct all the energies of the nation, to employ all the means recognized and sanctioned by the laws and usages of civilized nations, to speedily and effectually crush the rebellion, restore an honorable and enduring peace to the nation, preserve the constitution of our country, the Union of all the States, and the government of our fathers.

Resolved, That for the accomplishment of the objects expressed in the foregoing resolution, we do hereby pledge to the National Administration, the cordial, united, unfaltering support of the people of the State of Michigan, till rebellion shall be overthrown, till law and order shall triumph, till the authority of the government shall be restored over every State, and a permanent and enduring peace be established throughout the land.

Resolved, That to weaken the enemy by cutting off his supplies, taking away his means of support, stripping him of his property and depriving him of his slaves, is no less a duty than actually fighting him in the field, and is demanded alike by the priceless blood of the gallant soldiers of our army, and the sacredness of the cause in which we are engaged; and we therefore approve the proclamation of the President, emancipating the slaves in the insurgent States, as a war measure eminently fit and proper, sanctioned by the usages of civilized warfare, and therefore warranted by the constitution; and emanating thus from the President, by virtue of his authority as Commander-in-Chief of the army, it becomes the duty of all good citizens at home, as well as soldiers in the field, to sustain and enforce it.

Resolved, That we are unalterably opposed to any terms of compromise or accommodation with the rebels; while under arms, and acting in hostility to the government; and on this

we express but one sentiment—unconditional submission and obedience to the laws and the constitution.

Resolved, That while we mourn over the desolations of war, brought upon the country by this most iniquitous rebellion, we still trust and rejoice in the hope that God will so order events as to promote the interests of humanity, place upon a firmer and more enduring basis our free institutions, and thus secure the highest good and glory of the nation.

Resolved, That we feel a just and glowing pride in the honor which has been reflected on Michigan by the promptitude with which her citizen soldiers have rallied to the standard of the country, and by their noble gallantry on the battle-field, which has given them an undying fame.

Resolved, That the Governor be requested to forward a copy of the foregoing preamble and joint resolutions to each of our Senators and Representatives in Congress, and to the Governors of the several loyal States.

Approved March 18, 1863.

[No. 19.]

JOINT RESOLUTION to provide for a roll of honor, to perpetuate the memory and noble deeds of Michigan soldiers, who have fallen in defense of our country.

Whereas, Armed rebellion in its unjustifiable attempt to overthrow the best government that God ever vouchsafed to man, have made it necessary that Michigan, in defending the government and institutions of our fathers, should sacrifice upon our country's altar, many of her bravest and noblest sons, her best and most worthy citizens, whose graves mark almost every battle field;

And whereas, The State of Michigan is desirous of having the names and noble deeds of her illustrious dead written upon a roll of imperishable honor, and handed down to posterity as an enduring record of deeds of noble daring and patriotic devotion to free institutions, to be revered as examples for all coming time; therefore,

JOINT RESOLUTIONS.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Adjutant General be and is hereby authorized and required, without unnecessary delay, to prepare a roll of honor, to be kept in his office, and upon which he shall cause to be written the name and age of every Michigan soldier who has fallen, or may fall in the service of his country during the present war, together with the rank, designation of company, residence, time and place of enlistment, time and place of mustering into service, also the time, place and manner he met his death, together with such remarks as may be appropriate, concerning the military career of the soldier; the names to be alphabetically arranged in the respective regiments, batteries or companies, (where mustered into service by companies,) to which they belonged, and the regiments, batteries or companies to be arranged in the order of their number or designations, commencing with the first regiment of Michigan volunteers, (infantry,) as follows:

FIRST REGIMENT OF MICHIGAN INFANTRY.

NAMES.	Age	Rank.	Comp.	Place of Resi- dence.	Time & place of enlist- ment.	Time and place of mustering into service.	Time, place and man- ner he met his death—Remarks.
A							
B							

A list of all those who have entered the service of the United States with the troops of other States, in numbers less than a company, and have died in the service of the government, shall also be added to the roll, and arranged alphabetically, and as near as practicable as above. A brief history of each regiment and battery from this State, and of each company from this State mustered with the troops of other States, shall be prefixed to the roll, giving the actions in which it has been engaged, and its important achievements.

Resolved, That the Adjutant General, by and with the advice and consent of the Governor, may, as soon as practicable, cause to be printed in a book of suitable form and size, at the expense of the State, to be paid out of the general fund, not to exceed ten thousand copies, of so much of the roll of honor as may have been completed; said book to be bound, and en-

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titled "the roll of honor of the State of Michigan," the title to be neatly printed on the outside of the cover; and the Adjutant General is authorized, at his earliest convenience, to transmit one copy of said book to each regiment, battery and company of Michigan troops in the service of the United States or of this State; and the Secretary of State shall transmit one copy to the office of each county and township clerk in the State, to be kept therein.

Resolved, That the Adjutant General is hereby authorized to solicit the aid and co-operation of such civil and military officers as, in his judgment, may be able to render him assistance in procuring such information as may be necessary to enable him to correct and complete the roll of honor.

Approved March 18, 1863.

[No. 20.]

JOINT RESOLUTION relative to frauds against the government of the United States.

Whereas, A vast amount of the treasure of the nation is necessarily being expended in the prosecution of the present struggle for the supremacy of the government and the vindication of its laws;

And whereas, There are men so destitute of every principle of honesty, and so lost to every impulse of patriotism, as to forget their obligations to their country and to humanity, and to engage in plundering the public treasury and in robbing our soldiers in the field;

And whereas, Every contractor or public officer engaged in furnishing supplies, or who has in any way the care, custody, or control of public stores or funds, should be held to strict economy and rigid accountability; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be instructed, and our Representatives requested, to use their influence for the

JOINT RESOLUTIONS.

passage of an act by Congress that shall more effectually provide for preventing and punishing frauds against the government.

Approved March 18, 1863.

[No. 21.]

JOINT RESOLUTION for the relief of Samuel Bement and Lucius Warner.

Whereas, Samuel Bement and Lucius Warner represent that they are the equitable and undisputed owners of all the rights conferred upon Henry B. Pomeroy, by primary school land certificate number two hundred and forty-five, issued by the Superintendent of Public Instruction on the twenty-third day of August, in the year eighteen hundred and thirty-seven, but that the assignments by which they hold said certificate are imperfect, in that they are not witnessed and acknowledged as required by law, and that the persons making such assignments are dead, and that there are no administrators or other persons authorized to acknowledge or perfect the said assignments; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be and he is hereby authorized to give the said Samuel Bement and Lucius Warner the full benefit of the said assignments, and all the rights that would accrue to them thereby, the same as if such assignments were duly witnessed and acknowledged according to law, upon satisfactory proof to the said commissioner that the right to said certificate is equitably in them.

This resolution shall take immediate effect.

Approved March 18, 1863.

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[No. 22.]

JOINT RESOLUTION providing for the publication and distribution of the Adjutant General's report for the year eighteen and sixty-three, and during the existence of the rebellion.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Adjutant General of this State be and he is hereby required, in addition to the matters therein usually contained, to embrace in his report to the Governor for the year eighteen hundred and sixty-three, and in each subsequent report during the existence of the present rebellion, a statement of the casualties in battle, deaths by disease, discharged from service, and the cause of such discharge, and such other information as he may deem of interest, of the officers and private soldiers from this State in the military service of the United States, or of this State.

Resolved further, That the said Adjutant General cause to be published by the contractors for State printing, from time to time, as the same shall be made, a sufficient number of copies of said reports to furnish each township in the State one copy for the use of the library thereof; one copy to be kept in the office of each county clerk and county treasurer; ten copies to each city for the use of the city library; one hundred and fifty copies, which shall be placed in the State library; one copy for each school district in the State, which shall be deposited in the library of said district, or kept by the director thereof for the use of said district; five hundred copies, which shall be preserved for binding in the joint documents of the next succeeding Legislature; one hundred copies for the use of the Adjutant General, and one copy for each regiment, battery and company of Michigan troops in the service of the United States, or of this State; and it shall be the duty of the Secretary of State, as soon as said reports shall be printed and ready for distribution, to distribute the same accordingly.

Resolved further, That the supplementary report of the Adjutant General for the year eighteen hundred and sixty-two,

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to be made in compliance with a concurrent resolution of the Legislature of eighteen hundred and sixty-three, be published by the said Adjutant General, and distributed by the Secretary of State, in the same manner as is provided in the foregoing resolutions for publishing and distributing the annual report of said Adjutant General.

Approved March 18, 1868.

[No. 23.]

JOINT RESOLUTION authorizing the board of State auditors to settle the claims of the State against the bail of John McKinney, late State Treasurer.

Resolved by the Senate and House of Representatives of the State of Michigan, That the claims of the State of Michigan against Silas M. Holmes, Kinsley S. Bingham, Whitney Jones, Champ-
lin Havens and Allen R. Burr, and each of them, as sureties for John McKinney, late State Treasurer, be and they are hereby referred and submitted to the board of State auditors for adjustment and final settlement; and the said board are hereby authorized and empowered to adjust and determine the liability of each such surety, and to settle and compound with him for the same, for such amount and on such terms as the said board, taking into consideration the circumstances of the case, and the condition and responsibility of such sureties, respectively, shall deem for the best interests of the State; and upon the full performance, by either of such sureties, of the terms and conditions of the award and determination of the board so made against him as aforesaid, he shall be from thenceforth fully and forever discharged from all liability as such surety: *Provided*, That the discharge of any such surety shall in no way affect or discharge the claims of the State against any other surety not performing, on his part, the award and determination of the said board, made against him as above provided: *And provided also*, That said board may discharge either of said sureties, if, on a full hearing of the facts in the

case, they shall deem such discharge to be demanded by the principles of equity, or of a humane and enlightened public policy, and if the same can be lawfully done without discharging the remainder of said sureties.

Approved March 18, 1863.

[No. 24.]

JOINT RESOLUTION asking an appropriation of lands by Congress to endow female colleges in the several States.

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use their influence to procure a donation of lands by Congress to endow female colleges in the several States.

Approved March 19, 1863.

[No. 25.]

JOINT RESOLUTION to authorize the board of State auditors to credit and pay to Henry Miller the amount necessarily expended by him in contesting a seat on the floor of the House of Representatives, against John N. Donaldson.

Resolved by the Senate and House of Representatives, That the board of State auditors be and they are hereby authorized and instructed to audit and pay certain witnesses in the contested election case of Henry Miller against John N. Donaldson, subpoenaed by the committee on elections, in pursuance of a resolution of the House of Representatives to appear and testify in the contested election case of Henry Miller against John N. Donaldson, the legal witness fees for the travel and attendance of said witnesses in said case.

Approved March 19, 1863.

JOINT RESOLUTIONS.

[No. 26.]

JOINT RESOLUTION requesting the Commissioner of the General Land Office to bring certain lands in Isabella county into market.

Whereas, By virtue of a treaty entered into between the United States and that portion of the bands of the Chippewa Indians, of Swan creek and Black river, parties to the treaty of May ninth, eighteen hundred and thirty-six, and of the second day, of August, A. D. eighteen hundred and fifty-five, certain lands in the county of Isabella were withdrawn from market for the purpose of permitting said Indians to make selections therefrom of six adjoining townships, and the time for which such selections were to be made, according to the terms of the treaty, having elapsed, and the selections having long since been completed;

Resolved by the House of Representatives, (the Senate concurring,) That the commissioner of the general land office, at Washington, be requested to bring the said land in market, and all other lands, except railroad lands, that are not now in market, at his earliest convenience, and in such a manner as to protect the settlers now occupying some of the lands.

Approved March 20, 1863.

NOTE.—The laws and resolutions in the foregoing pages are printed as the same are enrolled, and are correct copies of such enrolled bills and resolutions on file in the office of the Secretary of State, except the words and sentences enclosed in brackets in said laws and resolutions, which were in the engrossed copies, as passed by the Legislature, but are not in the enrolled copies.

AMENDMENTS TO THE CONSTITUTION,

Adopted by the Legislature of eighteen hundred and sixty-one, and
ratified by the People November sixth, eighteen
hundred and sixty-two.

ARTICLE XII.

IMPEACHMENTS AND REMOVALS FROM OFFICE.

SECTION 3. The Governor shall have power, and it shall be his duty, except at such times as the Legislature may be in session, to examine into the condition and administration of any public office, and the acts of any public officer, elective or appointed, to remove from office for gross neglect of duty, or for corrupt conduct in office, or any other misfeasance or malfeasance therein, either of the following State officers, to wit: The Attorney General, State Treasurer, Commissioner of the Land Office, Secretary of State, Auditor General, Superintendent Public Instruction, or members of the State Board of Education, or any other officer of the State, except Legislature and judicial, elective or appointed, and to appoint a successor for the remainder of their respective unexpired term of office, and report the causes of such removal to the Legislature, at its next session.

ARTICLE XIII.

EDUCATION.

SECTION 6. There shall be elected in the year eighteen hundred and sixty-three, at the time of the election of a justice of the supreme court, eight regents of the University, two of whom shall hold their office for two years, two for four years, two for six years and two for eight years. They shall enter

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upon the duties of their office on the first of January next succeeding their election. At every regular election of a justice of the supreme court thereafter, there shall be elected two regents, whose term of office shall be eight years. When a vacancy shall occur in the office of regent, it shall be filled by appointment of the Governor. The regents thus elected shall constitute the board of regents of the University of Michigan.

ARTICLE XV.

CORPORATIONS.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes. All laws passed pursuant to this section may be amended, altered or repealed. But the Legislature may, by a vote of two-thirds of the members elected to each House, create a single bank with branches.

SEC. 2. No general banking law shall have effect until the same shall, after its passage, be submitted to a vote of the electors of the State at a general election, and be approved by a majority of the votes cast thereon at such election.

SEC. 4. For all banks organized under general laws, the Legislature shall provide for the registry of all bills or notes issued or put in circulation as money, and shall require security to the full amount of notes and bills so registered in State or United States stocks, bearing interest, which shall be deposited with the State Treasurer for the redemption of such bills or notes, in specie.

ARTICLE XIX.

UPPER PENINSULA.

SECTION 6. That elections for all district or county officers, State Senators or Representatives, within the boundaries defined in this article, shall take place on the Tuesday succeed-

ing the first Monday of November in the respective years in which they may be required; the county canvass shall be held on the first Monday thereafter, and the district canvass on the third Monday of said November.

ARTICLE XX.**AMENDMENT AND REVISION OF THE CONSTITUTION.**

SECTION 2. At the general election to be held in the year one thousand eight hundred and sixty-six, and in each sixteenth year thereafter, and also at such other times as the Legislature may by law provide, the question of the general revision of the constitution shall be submitted to the electors qualified to vote for members of the Legislature; and in case a majority of the electors so qualified, voting at such election, shall decide in favor of a convention for such purpose, the Legislature, at the next session, shall provide by law for the election of such delegates to such convention. All the amendments shall take effect at the commencement of the year after their adoption.

CERTIFICATE.

STATE DEPARTMENT, MICHIGAN, } ss.
Secretary's Office,

I, James B. Porter, Secretary of State of the State of Michigan, do HEREBY CERTIFY, that the date of the close of each and every session of the Legislature of this State, from and including eighteen hundred and fifty-one, to and including eighteen hundred and sixty-three, was as follows, viz:

Session of 1851, closed April 5th, 1851.

" " 1853, closed February 14th, 1853.

" " 1855, closed February 13th, 1855.

" " 1857, closed February 17th, 1857.

" " 1858, closed February 4th, 1858.

" " 1859, closed February 16th, 1859.

" " 1861, closed March 16th, 1861.

" " 1861, (extra session,) closed May 11th, 1861.

" " 1862, closed January 20th, 1862.

" " 1863, closed March 23d, 1863.

In testimony whereof, I have hereunto set my hand, and affixed the great seal of the State of Michigan, at Lansing, this twenty-fifth day of May, in the year of our Lord one thousand eight hundred and sixty-three.

JAMES B. PORTER,
Secretary of State.

APPENDIX:
CONTAINING
CERTIFIED STATEMENTS OF BOARDS OF SUPERVISORS
RELATIVE TO THE
ERECTION OF NEW TOWNSHIPS:
ALSO
STATE TREASURER'S ANNUAL REPORT
FOR THE YEAR 1862.

APPENDIX.

CHEBOYGAN COUNTY.

In the matter of the application of Edwin A. Dodge and twenty-three others, for the detaching and setting off of certain territory from the township of Burt, and annexing the same to the township of Duncan.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, described as follows, to wit: town number thirty-six (36) north, of range number one (1) west, now embraced in the organized township of Burt, be and the same is hereby detached from said Burt and annexed to said township of Duncan.

The above order was adopted by the following vote: Yeas—
Messrs. Wagley, Legault and Webster.

JOHN WAGLEY,

Chairman.

WILLIAM H. MAULTLY,

Deputy Clerk.

STATE OF MICHIGAN, }
County of Cheboygan, } ss.

I, William H. Maultly, deputy clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and that said copy is a true copy; and I hereby further certify that the foregoing order of said board was passed by them at their

meeting held at Inverness, in said county, on the fifteenth day of October, 1862, as appears by their record.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court of said
county, this fourth day of February, A. D. 1863.

WILLIAM H. MAULTLY,
Deputy Clerk.

DELTA COUNTY.

At an adjourned meeting of the board of supervisors of the county of Delta, held at the office of George Lejare, town of Esconawba, in said county, on motion of Leon Tromblay, it was

Resolved, That, in accordance with the application of sixteen freeholders of the town of Nahma, the board do hereby organize a new township from a part of the territory now under the jurisdiction of said township of Nahma, to consist of the following territory, viz: Townships 36, 37, 38, 39 north, of range 19 west, townships 38, 39, 40, 41, 42 and 43 north, of range 18 west, township 38 north, of range 20 west, to be called the township of Garden Town, and that the first township meeting be held at the house of H. G. D. Squire, at Squire Harbor, in said township, and that H. G. D. Squire, F. S. Wilson and D. A. Wells, be and they are hereby appointed to preside at such township meeting, which shall be held on the first Monday in April, 1863.

GEORGE LEJARE,
Chairman of Board of Supervisors.
THOMAS ASHTON,
County Clerk.

STATE OF MICHIGAN, }
County of Delta, } ss.

I do hereby certify that the above is a true statement of the action of the board of supervisors of said county, and a true

copy of an original act on file in my office on the several applications for the division of the township of Nahma.

Witness my hand and the seal of the district court of
[L. S.] said county, at Leora river, town of Esconawba,
in said county, this second day of February, 1868.

THOMAS ASHTON,

County Clerk.

GRAND TRAVERSE COUNTY.

In the matter of the application of H. O. Sutton and twenty-five others, for the alteration in the boundaries of the townships of Leelanaw and Centerville, detaching fractional township numbered thirty-one (81) north, of range twelve (12) west, from the township of Leelanaw, and attaching it to the township of Centerville.

It appearing to the board that application has been made, and that notice thereof has been signed, posted up and published as, in manner required by law, and having duly considered the matter of said application, the board order and enact that the said fractional township thirty-one north, range twelve west, be detached from the township of Leelanaw and made a part of the township of Centerville, to all intents and purposes.

This act to take effect April 1st, 1862.

STATE OF MICHIGAN, }
County of Grand Traverse, } ss.

I, Theron Bostwick, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and the copy thereto attached of the map or survey of the new alteration of townships of Leelanaw and Centerville in my office, furnished to said board on the application for alteration of said townships, and that said copies are true copies; and I further certify that the foregoing order of said board was passed by them at their meeting held in Traverse City, in said county,

on the 15th day of October, A. D. 1861, as appears by their record.

In testimony whereof, I have herewith set my hand
[L. S.] and affixed the seal of the circuit court of said
county, this 18th day of November, A. D. 1861.

Theron Bostwick, *Clerk.*

In the matter of the application of Charles E. Bailey and sixteen others, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up and published, as in manner required by law, and having duly considered the matter of said application, the board order and enact that that part of the territory described in said application, bounded as follows, to wit: commencing on the south line of township twenty-five (25) north, of range fifteen (15) west, between sections thirty-two (32) and thirty-three, (33,) thence north to the north line of township twenty-six, (26,) thence east to range line between ranges twelve (12) and thirteen (13) west, thence south to the south line of township twenty-five (25) north, thence west to place of beginning, be and the same is hereby erected into a new township, to be called and known by the name of Benzonia. The first annual meeting thereof shall be held at the school-house in Benzonia, on the first day of January, A. D. 1862, and at said meeting Lucius M. Case, William Steele and John Bailey, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of elections at any township meeting, as the law provides, and Lucius M. Case be and is hereby appointed to post up notices, according to law, of the time and place of such meeting, in the newly organized township of Benzonia.

Dated Traverse City, October 15th, 1861.

STATE OF MICHIGAN, }
 County of Grand Traverse, } ss.

I, Theron Bostwick, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and the copy thereto attached of the map or survey of the new township of Benzonia in my office, furnished to said board on the application for the erection and organization of said township, and that said copies are true copies; and I further certify that the foregoing order of said board was passed by them at their meeting held at Traverse City, in said county, on the 15th day of October, A. D. 1861, as appears by their record.

In testimony whereof, I have hereunto set my hand
 [L. S.] and affixed the seal of the circuit court of said
 county, this 13th day of November, 1861.

THERON BOSTWICK,
Clerk.

MECOSTA COUNTY.

In the matter of the application of Solon Hall and others, for
 the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up and published, as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, viz: Townships fourteen north, of range seven and eight west, be and the same is hereby erected into a township to be called and known by the name of the township of Wheatland. The first annual township meeting thereof shall be held at the house of John Schiedel, on the first Monday of April, A. D. 1863, at 9 o'clock in the forenoon; and at said meeting, Solon Hall, Moses Musselman, and Jacob Schiedel,

three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, open and keep the polls, and exercise the same powers as the inspectors of elections at any township meeting, as the law provides.

STATE OF MICHIGAN, }
County of Mecosta, } ss.

I, Orrin Stevens, clerk of said county of Mecosta and of the board of supervisors thereof, do certify that the foregoing is a true and compared copy of an order of the board of supervisors of said county, passed at their annual meeting, held at Big Rapids, on Monday, October 13, A. D. 1862.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court of said county, this 13th day of October, 1862.

ORRIN STEVENS,
County Clerk.

SAGINAW COUNTY.

In the matter of the application of Wm. C. Allbee and others, for the erection of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted and published, as in the manner provided by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, as follows, to wit: township ten (10) north, of range four (4) east, be and the same is hereby erected into a township, to be called and known by the name of the township of Allbee. The first annual township meeting thereof shall be held at the house of Wm. C. Allbee, on the first Monday of April, A. D. 1863, at 10 o'clock in the forenoon, and at said meeting Isaac Savage, James Darling and T. S. Craig, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of elections at any township meeting,

as the law provides, which was adopted by the following vote, viz: Yeas—Messrs. Mathewson, Haak, Card, Pettibone, Willey, Jeffers, Mower, White, Williams, Loeffler, List, Hunter, Jackson, Wm. McBratnie, C. McBratnie, Barter, Sloan, Haines, Lewis, Schulthess and Brewer, 21. Nays—Barnard, 1.

A. P. BREWER,

Chairman.

GEO. SCHMIDT,

Clerk.

STATE OF MICHIGAN, }
County of Saginaw, } ss.

I, Geo. Schmidt, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board, and that said copy is a true copy; and I further certify that the foregoing order of said board was passed by them at their meeting held at the city of Saginaw, in said county, on the seventeenth (17) day of February, A. D. 1863, as appears by their record.

In testimony whereof, I have hereunto set my hand

[L. S.] and affixed the seal of the circuit court of said county, at Saginaw, this twentieth day of February, A. D. 1863.

GEO. SCHMIDT,

Clerk.

STATE TREASURER'S ANNUAL REPORT—1862.

STATE TREASURER'S OFFICE,
Lansing, Dec. 1st, 1862. f

To the Legislature of the State of Michigan:

GENTLEMEN—I beg to submit herewith a statement of the financial transactions of this department, as also an exhibit of the various funds of the State, for the fiscal year ending November 30th, 1862.

The total amount of receipts of the office for the fiscal year, is.....	\$1,124,595 10
The balance against the treasury, and in my favor Nov. 30th, 1861, was.....	\$27,179 79
The total of payments for the year is.....	896,620 69
Leaving a balance in the treasury of.....	200,794 62
	<hr/>
	<u>\$1,124,595 10</u>

WAR DEBT.

During the past year, I have sold \$158,200 of the war bonds authorized by "an act authorizing a war loan," approved May 10, 1861. These bonds were mostly sold early in the year, to meet the war expenses incurred in 1861.

The amount received for the bonds sold was,....	\$150,539 94
To which add for accrued interest,.....	2,578 80
And for premium on gold received for bonds,....	81 88
	<hr/>
Total,.....	<u>\$153,150 62</u>

STATE DEBT.

The funded debt of the State is as follows:

1. Full paid "\$5,000,000 loan" bonds, 6 per cts., due January 1st, 1863,.....	\$177,000 00
2. Adjusted bonds, 6 per cts., due Jan. 1st, 1863,	1,746,185 00
3. Temporary Loan, 7 per cts., due Jan. 1st, 1878,	50,000 00
4. Renewal Loan, 6 per cts., due Jan. 1st, 1878,	216,000 00
5. Canal Bonds, 6 per cts., due Jan. 1st, 1879, ...	100,000 00
6. War Loan, 7 per cts., due Jan. 1st, 1886,.....	607,300 00
7. Outstanding Internal Improvement Warrants,	3,553 75

FUNDABLE DEBT.

8. \$140,000 outstanding <i>part paid</i> "\$5,000,000 Loan," which, when funded, will amount to....	80,999 80
Total of funded and fundable debt,.....	<u>\$2,981,038 55</u>

THE TRUST FUND DEBT

Is made up of the following items, to-wit:

Primary School Fund,.....	\$753,801 73
University Fund,.....	185,887 83
Normal School Fund,.....	22,453 47
Rail Road Deposits,.....	2,217 32
Total,.....	<u>\$964,359 85</u>

During the past year, the balance of the "Penitentiary Bonds," amounting to \$13,000, has been paid.

Under the provisions of Sec. 7 of "an act authorizing a war loan," approved May 10, 1861, and of Sec. 1 of "an act to provide a tax for interest on the war loan," approved May 10, 1861, the sum of \$40,072 99 has been received, which is applicable to the WAR LOAN SINKING FUND. The requisite drawings of the numbers of our small war bonds, to be redeemed, was made on the first of October, and the numbers drawn have been advertised for redemption on the first day of January next. (I annex a statement of the numbers designated for payment.) This will

reduce the "war loan" debt to \$567,227 01. It will be further reduced by about \$43,000, which will be applicable to the sinking fund at the close of 1863.

In pursuance of Sec. 9 of "an act to provide means for the redemption of the bonds of the State, maturing January 1st, 1863," approved March 11, 1861, I issued a circular to the holders of such bonds, inviting an exchange of the six per cents. authorized to be issued by the act. In response to this circular a portion of our bonds have been exchanged, and sealed proposals invited for the purchase of the balance. Under the law, these proposals are to be received on the first day of December, in the city of New York. Upon the completion of this negotiation, it will be made the subject of a special report to the Legislature.

"TWO MILLION LOAN" SINKING FUND.

Under the provisions of section 4, of act No. 122, approved March 11, 1861, the sum of \$21,506 98 has been levied in the State tax of 1862, which will be applicable to the sinking fund of the "two million loan" at the close of the year 1863. Section 6 of the same act also provides "that all moneys which may be paid into the treasury after January, 1863, to the credit of the Primary School, Normal School and University funds, shall be set apart and in like manner applied to the purchase of bonds issued under this act." This wise and liberal provision for the gradual but certain retirement of our bonds has had the effect to advance their value in the market, and to materially promote the credit of our State, which is soon to rank among the most favored of the land. It is therefore respectfully suggested that no legislation hereafter should be permitted, the effect of which would alienate these funds from the object contemplated under the law above referred to.

All of which is respectfully submitted by

J. OWEN,
Treasurer of the State.

Treasurer of the State of Michigan, in account with the State of Michigan.

DEBIT.

1862.

Nov. 29.	To receipts on account of General Fund,	\$	775,884	11
"	"	"	Int. Imp.	" 463 23
"	"	"	Prim. School	" 35,080 74
"	"	"	" Int.	" 63,960 76
"	"	"	University	" 13,668 81
"	"	"	" Int.	" 17,808 68
"	"	"	St. Building	" 1,129 50
"	"	"	Asylum,	" 3,752 48
"	"	"	N. Sch'l	" 2,774 00
"	"	"	" Int.	" 3,010 49
"	"	"	Sw'p Land	" 29,695 60
"	"	"	" Int.	" 9,270 71
"	"	"	St. Mary's C.	" 15,000 38
"	"	"	War Fund...	153,150 63

\$1,124,595 10

Treasurer of the State of Michigan, in account with the State of Michigan.

CREDIT.

1862.

Nov. 29. By bal. reported, against the treasury

Nov. 30, 1861,.....	\$	27,179	79
By war. p'd on acc't of General Fund,..		818,805	84
" " " Int. Imp. " ..		117,343	01
" " " Prim. School " ..		43	00
" " " " " Int. " ..		127,495	43
" " " Univ. Int. " ..		56,250	97
" " " Military " ..		1,324	10
" " " St. Building " ..		12	75
" " " Asylum " ..		65,027	25
" " " N. School Int. " ..		10,023	50
" " " Sw'p Land " ..		32,353	14
" " " " Int. " ..		516	64
" " " St. Mary's C. " ..		6,775	18
" " " War Fund,.....		161,052	63
" " " M. C. R. R. Depos.		97	75
" balance,.....		200,794	62
		<u>\$1,124,595</u>	<u>10</u>

Ledger Balances.

DEBIT.

1862.		
Nov. 29.	To cash,.....	\$200,794 62
	“ General Fund,.....	651,435 39
	“ Internal Improvement Fund,.....	528,735 35
	“ Suspense account,.....	53,885 74

\$1,434,861 10

Ledger Balances,

CREDIT.

1862.

Nov. 29. By Primary School Fund,.....	\$753,801 76
" Primary School Fund Interest,.....	53,627 70
" University Fund,.....	185,887 33
" University Fund Interest,.....	1,280 56
" Normal School Fund,.....	22,453 47
" Normal School Fund Interest,.....	5,397 46
" Swamp Land Fund,.....	150,505 60
" Swamp Land Fund Interest,.....	61,923 91
" Asylum Fund,.....	64,133 99
" State Building Fund,.....	15,191 55
" Contingent Fund,.....	892 35
" Treasury Notes,.....	730 00
" St. Mary's Falls Ship Canal Fund,..	49,600 27
" M. C. R. R. Deposits,.....	1,947 02
" M. S. R. R. Deposits,.....	206 72
" St. Jo. V. R. R. Deposits,.....	55 00
" O. & O. R. R. Deposits,.....	8 50
" Military Fund,.....	10,050 90
" War Fund,.....	17,583 97
" War Loan Sinking Fund,.....	40,072 99

\$1,484,451 10

General Fund.

DEBIT.

1862.

Nov. 29. To balance, Nov. 30, 1861,.....	\$790,984 51
" warrants paid during the fiscal year,	318,305 34
" am't trans. to Internal Improv. Fund,	108,744 15
" am't trans. to Primary Sch'l Int. "	51,168 15
" am't trans. to University Int. "	19,323 72
" am't trans. to Nor. School Int. "	1,238 75
" am't trans. to Nor. Sch'l appropri'n,	6,500 00
" am't trans. to Asylum Fund "	43,000 00
" am't trans. to Military Fund "	7,301 39
" am't trans. to War Fund "	40,680 50
" am't trans. to War Loan Sink. Fund, Sec. 1, Act IV, and Sec. 6, Act V, Extra Session, 1861,.....	40,072 99
	<hr/> <hr/>
	\$1,427,319 50

Internal Improvement Fund.

DEBIT.

1862.

Nov. 29. To balance, Nov. 30, 1861,.....	\$520,599 71
" warrants paid during the fiscal year,	117,343 01
	<hr/> <hr/>
	\$637,942 72

General Fund.

CREDIT.

1862.

Nov. 29. By cash received during the fiscal year, \$775,884 11
 " balance,..... 651,435 89

\$1,427,319 50

Internal Improvement Fund.

CREDIT.

1862.

Nov. 29. By cash received during the fiscal year, \$ 463 22
 " am't transferred from General Fund, 108,744 15
 " balance,..... 528,735 85

\$637,942 72

Primary School Fund.

DEBIT.

1862.

Nov. 29. To warrants paid during the fiscal year,	\$ 43 00
" balance,.....	753,801 73
	<u>\$753,844 73</u>

Primary School Interest Fund.

DEBIT.

1862.

Nov. 29. To warrants paid during the fiscal year,	\$127,495 43
" balance,.....	53,627 70
	<u>\$181,123 13</u>

University Fund.

DEBIT.

1862.

Nov. 29. To balance,.....	\$185,887 33
	<u>\$185,887 33</u>

University Interest Fund.

DEBIT.

1862.

Nov. 29. To warrants paid during the fiscal year,	\$ 56,250 97
" balance,.....	1,280 56
	<u>\$57 531 53</u>

Primary School Fund.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30, 1861,.....	\$718,818 99
" cash received during the fiscal year,	85,030 74
	<hr/>
	\$753,844 73
	<hr/>

Primary School Interest Fund.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30, 1861,.....	\$65,994 22
" cash received during the fiscal year,	63,960 76
" am't transferred from the Gen. Fund,	51,168 15
	<hr/>
	\$181,123 13
	<hr/>

University Fund.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30, 1861,.....	\$172,218 52
" cash received during the fiscal year,	18,668 81
	<hr/>
	\$185,887 33
	<hr/>

University Interest Fund.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30, 1861,.....	\$20,404 13
" cash received during the fiscal year,	17,808 68
" am't transferred from General Fund,	19,823 72
	<hr/>
	\$57,531 53
	<hr/>

Normal School Fund.

DEBIT.

1862.

Nov. 29. To balance,	\$22,453 47
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 \$22,453 47
Normal School Interest Fund.

DEBIT.

1862.

Nov. 29. To warrants paid during the fiscal year,	\$10,023 50
" balance,	5,397 46

 \$15,420 96
Swamp Land Fund.

DEBIT.

1862.

Nov. 29. To warrants paid during the fiscal year,	\$ 32,858 14
" balance,	150,505 60

 \$182,858 74
Swamp Land Interest Fund.

DEBIT.

1862.

Nov. 29. To warrants paid during the fiscal year,	\$ 516 64
" balance,	61,923 91

 \$62,440 55

Normal School Fund.

CREDIT.

1862.

Nov. 29.	By balance, Nov. 30, 1861,.....	\$19,679 47
	" cash received during the fiscal year,	2,774 00
		<hr/>
		\$22,453 47
		<hr/>

Normal School Interest Fund.

CREDIT.

1862.

Nov. 29.	By balance, Nov. 30, 1861,.....	\$4,671 72
	" cash received during the fiscal year,	3,010 49
	" am't transferred from general fund,.	1,238 75
	" appropriation of Legislature,.....	6,500 00
		<hr/>
		\$15,420 96
		<hr/>

Swamp Land Fund.

CREDIT.

1862.

Nov. 29.	By balance, Nov. 30, 1861,.....	\$153,163 14
	" cash received during the fiscal year,	29,695 60
		<hr/>
		\$182,858 74
		<hr/>

Swamp Land Interest Fund.

CREDIT.

1862.

Nov. 29.	By balance, Nov. 30, 1861,.....	\$53,169 84
	" cash received during the fiscal year,	9,270 71
		<hr/>
		\$62,440 55
		<hr/>

APPENDIX.

Asylum Fund.

DEBIT.

1862.

Nov. 29. To warrants paid during the fiscal year,	\$65,027 25
" balance,	64,133 99

 \$129,161 24
State Building Fund.

DEBIT.

1862.

Nov. 29. To warrants paid during the fiscal year,	\$ 12 75
" balance,	15,191 55

 \$15,204 30
Contingent Fund.

DEBIT.

1862.

Nov. 29. To balance,	\$292 25
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 \$292 25
Treasury Notes.

DEBIT.

1862.

Nov. 29. To balance,	\$730 00
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 \$730 00

Asylum Fund.

CREDIT.

1862.

Nov. 29.	By balance, Nov. 30, 1861,.....	\$82,408 76
	" cash received during the fiscal year,..	2,752 48
	" appropriation by Legislature,.....	43,000 00
		<hr/>
		\$129,161 24
		<hr/>

State Building Fund.

CREDIT.

1862.

Nov. 29.	By balance, Nov. 30, 1861,.....	\$14,074 80
	" cash received during the fiscal year,..	1,129 50
		<hr/>
		\$15,204 30
		<hr/>

Contingent Fund.

CREDIT.

1862.

Nov. 29.	By balance, Nov. 30, 1861,.....	\$392 25
		<hr/>
		\$392 25
		<hr/>

Treasury Notes.

CREDIT.

1862.

Nov. 29.	By balance, Nov. 30, 1861,.....	\$730 00
		<hr/>
		\$730 00
		<hr/>

St. Mary's Falls Ship Canal Fund.

DEBIT.

1862.

Nov. 29. To warrants paid during the fiscal year, ..	\$6,775 18
" balance,	49,600 27
	<hr/>
	\$56,375 45
	<hr/>

Michigan Central Railroad Deposits.

DEBIT.

1862.

Nov. 29. To warrants paid during the fiscal year, ..	\$ 97 75
" balance,	1,947 02
	<hr/>
	\$2,044 77
	<hr/>

Michigan Southern Railroad Deposits.

DEBIT.

1862.

Nov. 29. To balance,	\$206 72
	<hr/>
	\$206 72
	<hr/>

St. Joseph Valley Railroad Deposits.

DEBIT.

1862.

Nov. 29. To balance,	\$55 00
	<hr/>
	\$55 00
	<hr/>

St. Mary's Falls Ship Canal Fund.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30, 1861,	\$41,875 07
" cash received during the fiscal year, ..	15,000 38
	<hr/>
	\$56,875 45
	<hr/>

Michigan Central Railroad Deposits.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30, 1861,	\$2,044 77
	<hr/>
	\$2,044 77
	<hr/>

Michigan Southern Railroad Deposits.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30, 1861,	\$206 72
	<hr/>
	\$206 72
	<hr/>

St. Joseph Valley Railroad Deposits.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30, 1861,	\$55 00
	<hr/>
	\$55 00
	<hr/>

Oakland and Ottawa Railroad Deposits.

DEBIT.

1862.

Nov. 29. To balance,.....	\$8 58
	<hr/>
	\$8 58
	<hr/>

Military Fund.

DEBIT.

1862.

Nov. 29. To warrants paid during the fiscal year,...	\$ 1,324 10
" balance,.....	10,050 90
	<hr/>
	\$11,375 00
	<hr/>

Suspense Account.

DEBIT.

1862.

Nov. 29. To balance,.....	\$53,885 74
	<hr/>
	\$53,885 74
	<hr/>

War Fund.

DEBIT.

1862.

Nov. 29. To balance, Nov. 30, 1861,.....	\$ 15,194 52
" warrants paid during the fiscal year,.	161,052 63
" balance,	17,583 97
	<hr/>
	\$193,831 12
	<hr/>

Oakland and Ottawa Railroad Deposits.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30,	\$8 58
	<hr/>
	\$8 58
	<hr/>

Military Fund.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30, 1861,	\$4,073 61
" appropriation of Legislature,	7,301 89
	<hr/>
	\$11 875 00
	<hr/>

Suspense Account.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30, 1861,	\$53,885 74
	<hr/>
	\$53,885 74
	<hr/>

War Fund.

CREDIT.

1862.

Nov. 29. By cash received during the fiscal year,	\$153,150 62
" appropriation of Legislature,	40,680 50
	<hr/>
	\$193 831 12
	<hr/>

War Loan Sinking Fund.

DEBIT.

1863

New 3 To balance,.....\$40,072 99

\$40,072 99

War Loan Sinking Fund.

CREDIT.

1862.

Nov. 29. By appropriations, Sec. 1, Act IV, and Sec.

Sec. 6, Act V, extra session, 1861,..... \$40,072 99

\$40,072 99

STATEMENT of the numbers of "War Loan" Bonds drawn and advertised for redemption on the first day of January, 1863, pursuant to the provisions of Sec. 7 of "An act authorizing a War Loan," approved May 10, 1861.

ONE HUNDRED DOLLAR BONDS.

No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.
1	37	67	104	138	170	203	236	267	309	351	385
2	38	68	106	140	172	204	237	268	311	352	386
3	39	69	107	141	173	205	238	271	312	353	387
5	40	70	108	143	174	206	239	273	315	354	388
8	42	72	111	144	175	207	240	275	318	355	390
9	43	75	113	145	176	208	242	276	319	358	391
13	44	77	114	146	177	209	243	278	320	359	392
14	45	78	115	147	179	210	244	281	321	362	393
15	46	80	116	148	180	211	246	282	322	363	394
17	47	83	117	151	181	212	249	283	325	365	395
18	48	84	118	152	182	215	250	285	326	368	396
19	49	85	119	153	183	216	251	288	327	369	397
21	52	86	122	154	184	217	252	291	329	370	398
22	53	87	123	156	186	218	253	292	330	371	399
24	54	89	125	157	187	219	254	294	332	372	400
25	55	90	126	158	188	220	255	295	334	373	401
26	56	91	127	159	189	223	256	296	336	375	402
27	57	92	129	161	190	224	257	298	337	377	403
28	58	93	130	162	191	225	259	301	338	378	404
29	59	94	132	164	194	226	261	302	340	379	405
30	60	97	134	165	195	229	262	303	341	380	406
32	61	98	135	166	198	232	263	304	344	382	407
33	62	100	136	167	199	233	265	305	345	383	408
34	63	103	137	168	200	235	266	307	346	384	409
36	64										

FIFTY DOLLAR BONDS

No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.
3	27	53	80	101	126	152	176	200	227	253	284
4	28	56	81	102	127	154	178	201	229	256	285
5	29	59	82	103	128	155	179	203	230	257	287
6	30	60	83	104	129	156	180	204	232	258	288
7	31	61	84	105	130	157	181	205	233	259	289
9	33	63	85	108	133	158	182	208	234	261	291
11	36	64	87	109	134	159	183	209	235	262	292
14	37	66	88	110	138	162	184	211	237	263	294
15	39	67	89	111	139	164	185	212	241	264	296
16	40	68	90	114	140	165	186	214	242	265	297
18	41	69	91	115	141	167	188	215	244	266	298
19	45	70	92	117	142	168	189	216	245	269	299
20	48	71	93	118	143	169	190	219	248	270	300
21	49	72	94	119	144	170	191	220	249	272	301
22	50	74	96	120	145	172	192	222	251	279	302
23	51	75	97	122	147	173	194	223	252	280	303
24	52	76	98	123	149	174	195	225	253	281	304
25	53	78	99	124	150	175	199	226	254	282	305
26	54	79	100	125	151						

Swamp Land Roads.

DEBIT.

1861	Balance, Nov. 30, 1861,.....	\$21,872 07
	Apportionment, July 1, 1862,.....	3,400 00
		<u>\$25,272 07</u>

1862, Houghton Lake and Mackinac State Road.

DEBIT.

1862	Warrants paid during the fiscal year,...	\$1,769 75
	Balance,	95 71
		<u>\$1,865 46</u>

1862, Menominee and Northport State Road.

DEBIT.

1862	Warrants paid during the fiscal year,...	\$2,867 30
Nov 29	Balance,	7,640 76
		<u>\$10,508 06</u>

1862, Iron, Ray City and Lansing State Road.

DEBIT.

1862	Warrants paid during the fiscal year,...	\$ 371 81
Nov 29	Balance,	1,648 87
		<u>\$2,020 68</u>

Swamp Land Roads.

CREDIT.

1862.

Nov. 29. By warrants paid during the fiscal year, ..	\$13,541 91
" balance,	11,730 16
	<hr/>
	\$25,272 07
	<hr/>

Ionis, Houghton Lake and Mackinac State Road.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30, 1861,	\$1,665 46
" apportionment, July 1, 1862,	200 00
	<hr/>
	\$1,865 46
	<hr/>

Newaygo and Northport State Road.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30, 1861,	\$9,908 06
" apportionment, July 1, 1862,	600 00
	<hr/>
	\$10,508 06
	<hr/>

Port Huron, Bay City and Lansing State Road.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30, 1861,	\$ 720 68
" apportionment, July 1, 1862,	1,300 00
	<hr/>
	\$2,020 68
	<hr/>

East Saginaw and Sauble State Road.

DEBIT.

1862.

Nov. 29. To warrants paid during the fiscal year,.	\$810 14
" balance,,.....	426 70
	<hr/>
	\$1,236 84
	<hr/>

Lexington and Flint River State Road.

DEBIT.

1862.

Nov. 29. To warrants paid during the fiscal year,.	\$575 25
" balance,,.....	3 12
	<hr/>
	\$578 37
	<hr/>

Ontonagon and State Line State Road.

DEBIT.

1862.

Nov. 29. To amount transferred to Marquette and Bay de Noc Road,.....	\$2,600 00
" balance,,.....	747 11
	<hr/>
	\$3,347 11
	<hr/>

St. Mary's River and Mackinac State Road.

DEBIT.

1862.

Nov. 29. To warrants paid during the fiscal year,.	\$56 00
	<hr/>
	\$56 00
	<hr/>

East Saginaw and Sauble State Road.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30, 1861,.....	\$811 84
" apportionment, July 1, 1862,.....	425 00
	<hr/>
	\$1,236 84
	<hr/>

Lexington and Flint River State Road.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30, 1861,.....	\$578 37
	<hr/>
	\$578 37
	<hr/>

Onionagon and State Line State Road.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30, 1861,.....	\$3,347 11
	<hr/>
	\$3,347 11
	<hr/>

St. Mary's River and Mackinac State Road.

CREDIT.

1862.

Nov. 29. By balance,.....	\$56 00
	<hr/>
	\$56 00
	<hr/>

L'Anse Bay and State Line State Road.

DEBIT.

1862.

Nov. 29.	To warrants paid during the fiscal year,	\$ 38 75
"	am't transferred to Marquette and Bay de Noc Road,.....	900 00
"	balance,	404 14
		<hr/>
		\$1,342 89
		<hr/>

Marquette and Bay de Noc State Road.

DEBIT.

1862.

Nov. 29.	To warrants paid during the fiscal year,	\$3,674 52
"	balance,.....	125 00

 \$3,799 52

Allegan, Muskegon and Traverse Bay State Road.

DEBIT.

1862.

Nov. 29.	To warrants paid during the fiscal year,	\$1,760 39
"	balance,	93 00
		<hr/>
		\$1,853 39
		<hr/>

L'Anse Bay and State Line State Road.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30, 1861,.....	\$1,142 89
" apportionment, July 1, 1862,.....	200 00

\$1,342 89
Marquette and Bay de Noc State Road.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30, 1861,.....	\$ 24 52
" apportionment, July 1, 1862,.....	275 00
" am't transferred from Ontonagon and State Line and L'Anse Bay and State Line Road,.....	3,600 00

\$3,799 52
Allegan, Muskegon and Traverse Bay State Road.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30, 1861,.....	\$1,453 39
" apportionment, July 1, 1862,.....	400 00

\$1,853 39

State Ditches.

DEBIT.

1862.

Nov. 29.	To warrants paid during the fiscal year,..	\$1,618 00
	" balance,.....	601 75
		<hr/>
		\$2,219 75
		<hr/>

State Ditches.

CREDIT.

1862.

Nov. 29. By balance, Nov. 30, 1861,..... \$2,219 75

\$2,219 75

BANK STATEMENTS.

STATEMENT of the condition of the Michigan Insurance Bank December 1st, 1862.

RESOURCES.

Cash, gold and silver coin,.....	\$ 22,408 21
Treasury Notes, United States,.....	118,451 00
Notes of other Banks,.....	44,826 00
Due from Banks,.....	362,613 52
Public Stocks,.....	82,758 60
Bills discounted,.....	552,835 70
Bonds and Mortgages,.....	41,970 00
Real Estate,.....	41,293 00
	\$1,267,176 03

LIABILITIES.

Capital,.....	\$200,010 00
Profits,.....	50,749 00
Circulation,.....	44,878 00
Due Banks,.....	19,217 39
Deposits,.....	952,321 64
	\$1 267,176 03

STATE OF MICHIGAN, }
Wayne County, } ss.

Henry K. Sanger, Cashier of the Michigan Insurance Bank,
being duly sworn, says the above is a correct abstract of the

books of the Bank, according to the best of his knowledge and belief.

(Signed,)

H. K. SANGER,
Cashier.

Sworn and subscribed before me this 1st day of December, 1862.

(Signed,)

CHAS. C. CADMAN,
Notary Public.

STATEMENT showing the condition of the Peninsular Bank, Detroit, on the morning of December 1st, 1862.

RESOURCES.

Michigan State bonds,.....	\$ 28,683 71
Cash, Treasury Notes and Items,.....	4,018 88
Due from Banks and individuals,.....	12,729 87
Bills discounted,.....	108,280 07
Bonds and Mortgages,.....	10,588 99
Railroad Bonds, Shares and Scrip,.....	6,286 04
Real Estate,.....	38,136 01
	<hr/>
	<u>\$208,724 12</u>

LIABILITIES.

Circulation,	\$28,609 00
Due Depositors and Banks,.....	48,089 18
Dividends unclaimed,.....	607 50
Capital Stock,.....	88,050 00
Profit and Loss (Capital abated included),.....	48,368 49
	<hr/>
	<u>\$208,724 12</u>

STATE OF MICHIGAN, }
Wayne County, } ss.

Marcus F. Dow, acting Cashier of the Peninsular Bank, Detroit, being duly sworn, says that the above is a correct state-

ment of the condition of said Bank on the morning of December 1, 1862, as derived from the books thereof, and according to the best of his knowledge and belief.

(Signed,)

M. F. DOW,
Acting Cashier.

Sworn and subscribed before me this 5th day of December, 1862.

(Signed,)

JOHN W. A. S. CULLEN,
Notary Public, Wayne county, Mich.

STATEMENT showing the condition of the State Bank of Michigan, Detroit, December 1, 1862.

ASSETS.

Cash on hand, viz: coin, U. S. treasury notes, and checks on other Banks,.....	\$ 73,183 86
Due from Banks,.....	70,360 18
State Stocks,.....	38,000 00
Loans and Discounts,.....	279,275 80
	<u>\$460,819 79</u>

LIABILITIES.

Capital Stock,.....	\$ 50,000 00
Circulation,.....	29,600 00
Profits,.....	16,209 08
Due Depositors, Banks and Bankers,.....	365,010 71
	<u>\$460,819 79</u>

STATE OF MICHIGAN, }
Wayne County, } ss.

Emory Wendell, Cashier, being duly sworn, says the above is a correct statement of the condition of the State Bank of Michigan, as it appears by the books of the Bank, on the 1st

day of December, 1862, according to the best of his knowledge and belief.

(Signed,)

EMORY WENDELL,
Cashier.

Sworn before me this first day of December, 1862.

(Signed,)

J. W. STRONG,
Notary Public, Wayne county, Mich.

STATEMENT of the condition of the Funds of the Farmers' and Mechanics' Bank of Michigan, on the morning of the 10th day of December, A. D. 1862.

Cash, to wit: gold and silver, \$7,931 90; treasury notes, \$3,778 00; currency, \$4,263 00,.....	\$15,972 90
Real Estate,.....	12,000 00
Bonds and Mortgages,.....	17,000 00
State bonds,.....	28,000 00
Bills discounted,.....	75,000 00
Land contracts,.....	1,000 00
Due from Banks,.....	6,032 90
Due from individuals,.....	6,957 22
	<u>\$161,963 02</u>
Capital Stock,.....	\$78,530 89
Circulation,	28,000 00
Due depositors,.....	55,432 12
	<u>\$161,963 02</u>

L. M. MASON, *Vice Pres't*

STATE OF MICHIGAN, }
Wayne County, } ss.

Lorenzo M. Mason, Vice President of the Farmers' and Mechanics' Bank of Michigan, being duly sworn, deposes and says that the above statement exhibits the condition of the Farmers'

and Mechanics' Bank of Michigan on the morning of the 10th day of December, A. D. 1862.

Sworn and subscribed to before me this 22d day of December, 1862.

SEARS STEVENS,
Notary Public, Wayne County, Mich.

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